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Deletions are shown with the following attributes and color:

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LOCAL RULES OF THE -UNITED STATES BANKRUPTCY COURT- FOR THE NORTHERN DISTRICT OF GEORGIA

1001-1. Title.

These are the Local Rules of Practice for the United States Bankruptcy Court for the Northern District of Georgia. They may be cited as BLR.

1001-2. Effective Date; Transitional Provision; Revocation of Existing Rules.

These ~~†~~**R**ules govern all actions and proceedings pending on or commenced after ~~September 1, 1988~~ _____, except to the extent that in the opinion of the Bankruptcy Judge to whom the case is assigned, their application in an action or proceeding pending on ~~September 1, 1988~~ _____ would not be feasible or would work an injustice.

1001-3. Scope of Rules; Construction.

These ~~†~~**R**ules supplement the Local Rules of Practice for the United States District Court for the Northern District of Georgia, the Federal Rules of Bankruptcy Procedure (~~August 1, 1994~~), ~~as amended, ("Bankruptcy Rules")~~ and the Federal Rules of Civil Procedure and shall be construed so as to be consistent with those Rules and to promote the just, efficient, and economical determination of every case, proceeding, or matter, except that these ~~†~~**R**ules shall not apply to those proceedings or matters where they may be inconsistent with ~~†~~**R**ules or provisions of law specifically applicable

thereto.

1006-1. Failure to Remit Fee.

Pleadings received by the Bankruptcy Clerk for filing with the full filing fee not attached shall be marked "received," but they shall not be filed. The Bankruptcy Clerk will notify counsel or the ~~parties~~party that the pleadings are being held and that they will not be filed until the full filing fee is received or an order is issued allowing the pleadings to be filed *in forma pauperis* or allowing the filing fee to be paid in installments.

1015-1. Related Title 11 Cases Definitions.

(a) **Companion Cases.** A "Companion Case" means a case filed by a petitioner where a case is pending, or where a case at any time during the immediately preceding two years was pending, in this district in which any of the following is or was the debtor:

(1) spouse of the debtor or alleged debtor; or

_____ (2) an "affiliate" of the debtor or alleged debtor within the meaning of
11 U.S.C. §101(2).

(b) **Re-filed Case.** A "Re-filed Case" means a case filed by the petitioner where a case at any time during the immediately preceding two years was pending in which the debtor or alleged debtor was the debtor.

1015-2. Identification of Related Cases Required.

Upon the filing of a petition initiating a bankruptcy case under Title 11, United States Code, the petitioner shall, if the case is a Companion Case or a Re-filed Case, include on a separate document in a form provided by the Bankruptcy Clerk, a statement that the petition is a Companion Case or a Re-filed Case, and the case number and name of the Bankruptcy Judge who was assigned

the case to which the Companion Case or Re-filed Case relates.

1070-1. Jurisdiction of United States Bankruptcy Court.

(a) **Delegated Jurisdiction.** Bankruptcy judges are judicial officers ~~of the Court~~ serving in the unit of the ~~U.S.~~ District Court known as the ~~United States~~ Bankruptcy Court ~~for the Northern District of Georgia.~~ Each ~~b~~Bankruptcy ~~j~~Judge shall perform the duties set forth and may exercise the authority conferred in Section 104 of the Bankruptcy Amendments and Federal Judgeship Act of 1984, Pub.L. No. 98-353, 98 Stat. 333 (July 11, 1984) (as amended, codified as 28 U.S.C. §§ 151-58) with respect to any case, action, suit, or proceeding and may preside alone and hold a regular or special session of the Bankruptcy Court, except as otherwise provided by law or by ~~r~~Rule or order of ~~this~~ the Bankruptcy Court.

(b) **Jury Trials in Bankruptcy Court.** In accordance with 28 U.S.C. § 157(e), the ~~b~~Bankruptcy ~~j~~Judges ~~of this Court~~ are specially designated to conduct jury trials where the right to a jury trial applies. This jurisdiction is subject to the express consent of all parties pursuant to the procedure set forth in BLR 9015-1.

1071-1. Divisions - Bankruptcy Court.

(a) The Northern District of Georgia consists of four divisions as outlined and described in 28 U.S.C. § 90-~~(1982, as amended).~~ Refer to LR Appendix A, I, NDGa. for a list of counties comprising each division. ~~—————NOTE Existing BLR~~

~~1071-2, 2090-1, 2090-~~

~~2, and 2091-1 are~~

~~renumbered as 9001-1,~~

~~9010-1, 9010-2, and~~

~~9010-3.~~

(b) Any bankruptcy case filed in this district pursuant to 28 U.S.C. §§1408, 1409 or 1410 must be filed in the division that would also satisfy the requirements of §§ 1408, 1409 or 1410.

(c) The Bankruptcy Court may transfer any bankruptcy case to another division within the district upon motion of a party in interest or sua sponte.

1071-2. Definitions. See BLR 9001-1.

2004-1. Examinations pursuant to Bankruptcy Rule 2004.

(a) Duty to Confer. Counsel and unrepresented persons shall have the duty to make a good faith effort to resolve by agreement among themselves any disputes with regard to an examination and production of documents under Bankruptcy Rule 2004, including its scheduling, its scope, its length, and the production of documents. Any objection to an order for a Rule 2004 examination, a motion to enforce compliance with such an order or with a subpoena under Bankruptcy Rule 9016, or a motion seeking to modify, limit, or quash such an

order, shall be accompanied by a statement certifying that counsel for the moving or objecting party or an unrepresented moving or objecting party has conferred, or made a good faith effort to confer, with opposing counsel or unrepresented parties in an attempt to resolve the controversy by agreement but that such efforts were not successful.

(b) Examination by notice. Examinations and production of documents pursuant to Bankruptcy Rule 2004 may be initiated by notice if the entity to be examined consents. The notice shall specify the scope of the examination and the date, time and place of the examination; describe any documents to be produced; and shall be served upon the debtor, the debtor's attorney, the Chapter 7, 11, 12, or 13 trustee, as appropriate, the United States Trustee, and the entity to be examined. The notice must be filed and served no less than ten days before the date set for the examination.

(c) Length of Examination. No examination pursuant to Bankruptcy Rule 2004 shall last more than six hours without the consent of the entity being examined, unless the Bankruptcy Court orders otherwise.

2090-1. Admission to the Bar. See BLR 9010-1.

2090-2. Permission to Practice in a Particular Case. See BLR 9010-2.

2091-1. Standard of Professional Conduct and Discipline by the Court. See BLR 9010-3.

3001-1 Filing Proof or Transfer of Claim or Interest.

(a) Instructions for completion and filing proof or transfer of claim or interest. The Bankruptcy Court may from time to time enter general orders or publish guidelines for the completion and filing of a proof or transfer of claim or interest. These general orders or guidelines are available from the Bankruptcy Clerk and on the Bankruptcy Court's website.

A proof or transfer of claim or interest shall be filed in accordance with the format requirements of BLR 5005-1(a), (b), (d), and (h). A transfer of a claim for which a proof of claim has been filed shall state the claim number, as shown in the Claims Register, for the filed claim that is being transferred.

(b) Requirement for inclusion of name and address for service of notices and objections.
Every proof or transfer of claim or interest shall contain (1) the name of the person who signs it typed or legibly printed beneath the signature and (2) the name of the holder of the claim or interest and the address where notices should be sent. The name and address of the holder or transferee of a claim or interest, as shown on the proof or transfer of the claim or interest filed with the Bankruptcy Court, shall be the mailing address to which notices may be sent concerning the proof or transfer of claim or interest, including objections to the claim or interest and notices of hearings concerning the claim or interest. Service of objections to the claim of a governmental entity shall be made pursuant to Bankruptcy Rule 7004.

(c) Electronic filing of proof or transfer of claim. Registered Users may electronically file a proof or transfer of claim in accordance with the provisions of BLR 5005-9.

3007-1 Objection to Allowance of Claim; Service.

(a) An objection to allowance of a claim for which a proof of claim has been filed shall include in its title the name of the holder of the proof of claim and the number of the proof of claim as shown in the claims register maintained by the Bankruptcy Clerk. If an objection addresses numerous claims, the names of the holders and the claims numbers may be set forth in an exhibit referenced in the title.

(b) An objection to allowance of a claim for which a proof of claim has been filed, and

notices with regard thereto, may be served on a creditor as its name appears on the proof of claim or transfer of claim. If served by mail, the mail shall be addressed to the person signing the proof of claim at the address shown thereon or, if no name and address are stated, on the creditor at its address for notices provided in Bankruptcy Rule 2002(g). If an attorney for the creditor has appeared in the case, the objection and notice shall also be served on the attorney. An objection to a claim of a governmental entity shall also be served in accordance with Bankruptcy Rule 7004. A party objecting to a proof of claim shall promptly file a Certificate of Service in accordance with the Bankruptcy Rules of (i) the objection, (ii) notice of the hearing scheduled on the objection, and, (iii) if applicable, the notice given pursuant to paragraph (c) below. The Certificate of Service must be signed by the person making service and must include the name and address of all parties and attorneys served, the dates of service, and the manner of service.

(c) A written response to an objection to allowance of a claim is required if the objecting party provides notice to the holder of the claim that substantially complies with Form 3007-1(c).

3018-1. Procedure for Filing and Counting Ballots in Connection with Chapter 11 Plan Confirmation.

(a) **Ballot Filing Procedure.** Unless the Bankruptcy Court orders otherwise, a plan of reorganization proposed by any party in interest in a case under Chapter 11 shall provide that original completed ballots accepting or rejecting the plan be filed with the Bankruptcy Clerk.

(b) **Plan Proponent's Duties Regarding Ballot Tabulation and Preparation of Report of Balloting.** Prior to the hearing on confirmation of the plan but after the last day for filing written acceptances or rejections of the plan, counsel for the plan proponent shall count and tally all ballots

filed with and maintained by the Bankruptcy Clerk or other authorized person, and ~~within the time set forth hereinafter~~ shall prepare ~~and serve~~ a Report of Balloting, which at a minimum shall include:

_____ (1) a description of each class as designated in the plan and whether or not it is impaired as defined in the United States Bankruptcy Code, for example, "Class I, unsecured claim holders, impaired";

_____ (2) for each impaired class, the total number of ballots filed, the number of ballots voting to accept and their aggregate dollar amount, and the number of ballots voting to reject and their aggregate dollar amount (any discrepancy between dollar amounts as indicated on a ballot and either a filed proof of claim or the debtor's schedules should also be noted);

_____ (3) a conclusory paragraph indicating whether ~~or not~~ the plan has received the requisite acceptances to be confirmed under the Bankruptcy Code;

_____ (4) regarding ballots that are not counted, a separate written statement explaining why such ballots were not counted with copies of all such ballots appended thereto; and finally,

_____ (5) a separate written certificate signed by counsel for the plan proponent that all ballots as filed and maintained by the Bankruptcy Clerk or other authorized person were counted and tallied for the classes for which those ballots were filed except for those ballots appended to the aforementioned statement.

(c) **Filing Report of Balloting and Proof of Service.** ~~+~~ At least three business days prior to the hearing on confirmation, the plan proponent shall file the Report of Balloting with the Bankruptcy Clerk and shall serve ~~Notice of such filing along with~~ a copy of the Report and Notice

that shows the date of filing; upon ~~the Bankruptcy Court~~, the Office of the United States Trustee; and all parties who have filed objections to ~~confirmation, at least three business days prior to the hearing on~~ confirmation. Proof of service thereof shall also be filed prior to said hearing with a ~~file-marked~~ copy thereof served upon ~~the Bankruptcy Court and~~ the United States Trustee.

3022-1. Quarterly Trustee Reports and Final Reports in Chapter 11 Cases.

(a) ~~Until a Chapter 11 plan is confirmed or the case is converted or dismissed,~~In each calendar quarter in which fees are due under 28 U.S.C. § 1930(a)(6), the debtor in possession or ~~the~~ trustee shall file and transmit to the United States Trustee the quarterly statement of disbursements and fees paid as required by Bankruptcy Rule 2015(a)(5).—

(b) Within 120 days of the entry of the order of confirmation of a Chapter 11 plan, or after final compensation is approved, whichever is later, the debtor, trustee ~~or~~, successful plan proponent or other disbursing agent shall file and transmit to the United States Trustee a Final Administrative Expense Report which discloses the following administrative expenses:

- (1) Trustee Compensation \$
- (2) Attorney for Trustee Compensation \$
- (3) Attorney for Debtor Compensation \$
- (4) All other Professional Compensation \$
- (5) All Expenses (include Bankruptcy Clerk special charges) \$

(c) With the Final Administrative Expense Report, the debtor ~~or~~, trustee, successful plan proponent, or other disbursing agent shall file a report stating whether the estate has been fully administered within the meaning of Bankruptcy Rule 3022, ~~together with an application for a final decree closing the case if appropriate.~~ ;

(d) The debtor, trustee, successful plan proponent, or other disbursing agent shall file a “Report of Substantial Consummation and Request for Final Decree” within 30 days of substantial consummation of the plan, unless the Bankruptcy Court otherwise orders.

4001-1. Motion for *Ex Parte* Relief from Stay Based on Lack of Insurance Coverage.

(a) ~~Generally. Except in Chapter 11 cases, if~~ collateral securing a claim, including property which is the subject of a lease, is an over-the-road vehicle, such as an automobile, motorcycle, or trailer, or is a boat or an airplane, and if the same is not insured with full collision and comprehensive insurance, then the holder of such claim may file with the Bankruptcy Court a motion for *ex parte* relief from the stay of 11 U.S.C. § 362(a) pursuant to 11 U.S.C. § 362(f) to obtain possession of the collateral or leased property.

(b) ~~Chapter 11 Cases The Bankruptcy Court may, in its discretion, apply this rule to a Chapter 11 case.~~ **4001-2. Content of Motion for Ex Parte Relief from Stay.**

Any motion for *ex parte* relief from the stay under ~~BLR 4001-1~~ this Rule shall be verified and shall:—

(a1)— Include a description of the collateral or leased property; a statement of the amount of the claim and the basis on which the claim is secured; a statement of the basis on which the moving party believes that the collateral or leased property is not insured with full comprehensive insurance; and a statement that the moving party or its attorney has given or attempted to give oral notice to the debtor's attorney or to the debtor, if the debtor is not represented by counsel, that the motion is being filed. ~~;~~

(b2)— Be accompanied by a proposed order which shall provide that:

(+A)— The debtor or trustee is prohibited from using the collateral or

leased property unless and until adequate evidence of full collision and comprehensive insurance is presented to the holder of the claim;

_____ (2B)- The debtor or trustee, whichever is in actual physical possession of the collateral or leased property, shall notify the holder of the claim of the location of the collateral;

_____ (3C)- The debtor or trustee, whichever is in actual physical possession of the collateral or leased property, shall surrender it to the holder of the claim within 72 hours, unless within that time (a) the holder of the claim is provided with adequate evidence of full collision and comprehensive insurance or (bii) the debtor or trustee requests a hearing concerning same;

_____ (4D)- The holder of the claim is authorized to take physical possession of collateral or leased property required to be surrendered under this ~~Rule~~, and to hold same, provided that (i) the holder may not dispose of the collateral or leased property unless and until the automatic stay is modified or terminated or expires as a matter of law, and ~~provided that,~~ (ii) if the debtor or trustee provides adequate evidence of full collision and comprehensive insurance prior to the expiration or termination of the automatic stay, then the holder of the claim must return the property to the debtor or trustee; and

_____ (5E) Upon entry of the order, the holder of the claim or its attorney shall serve copies of the motion and order promptly on the debtor, the debtor's attorney, and the trustee, and shall provide telephonic notice of entry of the order to the debtor's attorney and the trustee, if the trustee is in actual physical

possession of the property.-

(c) This relief does not limit the availability of *ex parte* relief from the stay in accordance with the requirements of Bankruptcy Rule 4001(a)(2).

4008-1. Reaffirmation Agreements of *Pro Se* Debtors.

Any creditor who has entered into a reaffirmation agreement with a debtor acting *pro se* must file a ~~written request that~~**motion to approve the reaffirmation agreement and obtain a date for hearing in accordance with the calendaring procedure of** the Bankruptcy ~~Court schedule a~~ reaffirmation hearing. ~~Such a hearing will only be scheduled upon a written request filed with the Bankruptcy Clerk.~~ **Judge to whom the case is assigned.**

5005-1. Format Requirements.

The following provisions govern pleadings and **other** papers **including motions, notices, proposed orders, and attachments thereto.** filed in the Bankruptcy Court:

(a) ~~Paper.~~- All pleadings and other papers, ~~including motions, notices, orders and attachments thereto, shall be~~ presented for filing **other than electronically shall be** on white opaque paper of good quality, 8½ ~~by 11 inches in size.~~ (b) ~~Typing.~~ **inches wide by 11 inches long in size.** **Text or other material shall be on one side of the paper only. All pleadings and other papers filed electronically shall be prepared so that they may be printed on paper that is 8½ inches wide by 11 inches long in size.**

(b) Typing. All pleadings and other papers shall be typed, **printed,** or legibly hand printed and shall not be materially defaced by erasures and interlineation. ~~Adversary and contested matter~~ **P**leadings and other papers **filed in adversary proceedings and in contested matters** shall have at least one and one-half spaces between lines.-

(c) **-Margins.-** The first page of all pleadings and other papers shall leave a space two inches by two inches in the upper right corner of the first page for the filing stamp. -Consecutive pages shall be prepared with a top margin of not less than one and one-half inches. -All pleadings and other papers shall have a left margin of not less than one inch.

(d) **-Numbering.-** All pages shall be numbered consecutively at the bottom center of the page. Attachments shall be numbered consecutively within the attachment.

~~(e) **-Citations.-** When Acts of Congress or sections thereof are cited, counsel shall include the corresponding United States Code citation. When citing regulations, counsel shall give all Code of Federal Regulations references and the date of promulgation. All citations shall include the specific page or pages upon which the cited matters appear.~~

~~(f) **-Counsel Identification.** The following shall appear on every pleading and other paper that an attorney files: Name, complete address (including post office box or drawer number and street address), telephone number, ~~and e-~~ mail address. Georgia Bar number of counsel ~~shall appear on every pleading and other paper presented for filing.~~ (g) **Style.** who is a member of the Georgia Bar, and, if counsel is not a member of the Georgia Bar, the state and bar number, if any, of the bar in which counsel is a member and regularly practices.~~

~~(f) **Style.** The caption of all pleadings and other papers shall contain the Chapter number (7, 9, 11, 12, or 13) under which the case is pending, the debtor's name, case number, and the ~~name~~ initials of the Bankruptcy Judge to whom the case has been assigned.~~

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~~(h) **Cover Sheets.**~~

~~(1) **Petitions for Relief.-** Upon the filing of a petition for relief under Title 11,~~

United States Code, the petitioner or the attorney for the petitioner shall submit a fully completed Cover Sheet (available from the Bankruptcy Clerk).

_____ (2)- Adversary Proceedings.- Upon the filing of a complaint initiating an adversary proceeding, the plaintiff or the plaintiff's attorney shall prepare and submit to the Bankruptcy Clerk a fully completed ~~Civil~~ Cover Adversary Proceeding Sheet (available from the Bankruptcy Clerk).-

(~~h~~) -Flat Filing; No Staples.- All papers presented to the Bankruptcy Clerk or a Bankruptcy Judge for filing shall be flat and unfolded, shall not be stapled, and ~~firmly~~shall be bound at the top:

_____ (~~j~~) ~~Captions on Pleadings. All pleadings~~ with a paper clip.

_____ (~~i~~) Titles on Papers. All pleadings, motions, and other papers presented to the Bankruptcy Clerk or a Bankruptcy Judge for filing must bear ~~specific pleading~~clear designations, ~~in accordance of their content. Designations of pleadings shall conform~~ with the nomenclature set forth in Rule 7 of the Federal Rules of Civil Procedure. -When a document contains multiple ~~pleadings, contents~~ (e.g., an answer to a complaint and a counterclaim or crossclaim or a motion and a supporting brief or memorandum), all ~~pleadings~~matters contained in the document must be included in the caption on the first page of the document, except that, if the document contains a Certificate of Service with regard to the document, the Certificate of Service shall not be included in the caption.

(~~k~~) ~~Mailing Matrix~~List of Creditors in Main Case.- In addition to the schedules (or list of creditors if schedules are not filed with the petition), the debtor in a case under any chapter shall file ~~for all chapters~~ a list of all creditors in ~~the~~ mailing matrix format, as described in the guidelines available from the Bankruptcy Clerk, except that, if the debtor files the petition initiating a case through the Electronic Case Filing Program, the list of all creditors shall be filed in the format

prescribed by the Electronic Case Filing Procedures.—

5005-2. Copies of Petitions and ~~Pleadings~~ Papers.

(a) **Copies of Petitions and ~~Pleadings~~. The Papers to be Filed by Debtor. Except for a case that is filed electronically, the** debtor shall file with the Bankruptcy Clerk at the Public Filing Counter an original ~~of all pleadings and the number of copies indicated below for the following pleadings:—~~ (1) Chapter 7 cases: ~~three copies of: the original petition; the Statement of Affairs and the Schedules of Debts and Assets (the "Schedules"); any amendment to the Schedules;~~ and, in a chapter 11 case, three copies of: the original petition; the Statement of Affairs and the Schedules of Debts and Assets (the "Schedules"); ~~any amendment to the Schedules;—~~ (3) Chapters 12 and 13 cases: ~~two copies of: the original petition; the Statement of Affairs and the Schedules of Debts and Assets (the "Schedules");~~ and any amendment to the Schedules; ~~the~~ Plan;

—(4**b**) ~~-Notice of Appeal from a~~ Any ~~Order: F.~~ Unless a Notice of Appeal is filed electronically, the Appellant shall file one copy with the original ~~pleading~~ Notice of Appeal.

—(5**c**) ~~-Emergency Matters:.~~ Any pleading ~~which~~ or motion that is not filed electronically and that requires immediate judicial attention shall be filed in duplicate, and the duplicate pleading shall clearly be marked, in the upper right corner, "DUPLICATE." A party filing a pleading or motion electronically that requires immediate judicial attention shall contact the chambers of the Bankruptcy Judge to whom the matter is assigned for direction as to whether a paper copy of the pleading or motion should be delivered to chambers.

(b**d**) Copies to United States Trustee ~~Copies. Counsel must serve a.~~ A copy of the following pleadings and papers must be served on the United States Trustee:

- _____ (1)- Applications for ~~E~~mployment ~~and Compensation~~ of ~~P~~rofessionals in cases under Chapter 7, 11 ~~and~~ or 12;
- _____ (2)- Applications for fees, compensation or other remuneration in cases under Chapter 7, 11 ~~and~~, 12 or 13;
- _____ (3)- Motions ~~A~~ffecting the ~~A~~ppointment or ~~R~~emoval of a trustee or examiner;
- _____ (4)- All pleadings in Chapter 11 cases except pleadings in adversary proceedings;
- _____ (5)- All pleadings in Chapter 12 cases; _____ and
- _____ (6) ~~Any fee application in a Chapter 13 case;~~ _____ (7) Any attorney's motion to withdraw.

5005-3. Incorporation of Pleadings.

In those instances where reproduction of ~~the~~ an entire pleading or other paper as amended would be unduly burdensome, ~~parties~~ a party filing or moving to file an amendment to a pleading or other paper shall be permitted to incorporate relevant provisions of prior pleadings or papers by reference.

5005-4. Signature; Nonconforming Pleadings.

All petitions, pleadings, and other papers presented to the Bankruptcy Clerk for filing must be signed by the party or parties presenting the petition, pleading, or other paper or, if represented by an attorney, by at least one attorney of record, ~~whose address~~, and must include the complete address (including post office box or drawer number and street address), and telephone number ~~and Georgia State Bar number, if the attorney is a member of the State Bar of Georgia, shall be stated.~~

~~The Bankruptcy Clerk may refuse to accept for filing any petition or other paper not so signed. The Bankruptcy Clerk shall not refuse to accept for filing any petition or other paper solely because it is not presented in proper form as required by the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, or these Rules.~~

of the person(s) signing it. If signed by an attorney, it shall include the information required by BLR 5005-1(e).

5005-5. Electronic Filing.

~~_____The Clerk of the Bankruptcy Court may accept for filing documents submitted, signed, verified or served~~ (a) Authorization of Electronic Filing. The Bankruptcy Clerk shall accept documents for filing by electronic means ~~that are~~ in accordance with these Rules and with the Electronic Case Filing Procedures established pursuant to BLR 5005-5(b).

(b) Electronic Case Filing Procedures. The Bankruptcy Court shall from time to time establish "Electronic Case Filing Procedures," which shall be administrative procedures, consistent with technical standards, if any, that the Judicial Conference of the United States establishes ~~and that comply with the~~ for the electronic case filing and docketing system used by the Bankruptcy Court. The administrative procedures ~~established~~ shall include procedures, rules, and regulations concerning, among other things: (1) the registration of attorneys, trustees, examiners, the United States Trustee, and other persons as permitted by the Bankruptcy Court: ~~(Effective Date: This rule was adopted on August 31, 1998, as a temporary emergency rule.)~~ , to permit such registered persons to file documents electronically, to pay required filing fees in connection therewith, and to have electronic access to the electronic docket and to electronically filed documents and to pay fees in connection therewith; (2) safeguarding the integrity of the

Bankruptcy Court's docket and filed documents; (3) creation and maintenance of a secure mechanism for the creation and distribution of passwords to registered users so as to permit identification of persons filing documents electronically; and (4) establishment of procedures to provide for the functional equivalent of signatures of attorneys and other persons on electronically filed documents. Any fees collected pursuant to the Electronic Case Filing Procedures shall be consistent with the fee structure adopted by the Judicial Conference of the United States pursuant to 28 U.S.C. §§ 1913, 1914, 1926 and 1930, and any other applicable law. The Electronic Case Filing Procedures shall be available from the Bankruptcy Clerk and on the Bankruptcy Court's website.

(c) Use of Passwords. With regard to passwords issued pursuant to the Electronic Case Filing Procedures:

(1) No person shall knowingly utilize, or cause or permit another person to utilize, a password without authorization from the person to whom it is issued.

(2) No attorney shall knowingly permit or cause to permit a password assigned to that attorney to be utilized by any person other than an authorized employee of his or her law firm.

(3) A person whose password is used to electronically file a document thereby certifies that such person has authorized the filing. An attorney whose password is used to electronically file a document thereby certifies that such attorney and the attorney's law firm have authorized the filing.

(d) Consequences of Electronic Filing. Electronic filing of a document constitutes filing of the document for all purposes of the Bankruptcy Rules and these Rules and constitutes entry

of the document on the docket kept by the Bankruptcy Clerk under Bankruptcy Rule 5003.
When a document has been filed electronically, the official record is the electronic recording
of the document as stored in accordance with the Electronic Case Filing Procedures, and the
filing party is bound by the document as filed. A document filed electronically is deemed filed
at the date and time stated on the notice of electronic filing sent pursuant to the Electronic Case
Filing Procedures.

5005-6. Attorneys, Trustees, and Examiners Required to File Documents Electronically;
Exceptions; Emergencies.

(a) Electronic Filing by Attorneys, Trustees, and Examiners. Any document filed by any
attorney, any trustee or examiner serving in any case pending in the Bankruptcy Court, or the
United States Trustee, shall be filed electronically, unless otherwise permitted by these Rules.

(b) Exceptions to Electronic Filing.

(1) Miscellaneous Documents Filed by Attorney Who Is Not A Registered
User. An attorney who is not a Registered User shall not be required to file any
of the following documents electronically: (A) a proof of claim or amendments
thereto; (B) a notice of appearance in a bankruptcy case for the purpose of
receiving notices; (C) a ballot on a Chapter 11 plan. The exceptions for the filing
of these documents do not excuse the attorney from the requirements of BLR
5005-6(a) with regard to the filing of any other documents in the case or in any
adversary proceeding relating thereto.

(2) Discretionary Exceptions. A Bankruptcy Judge may in his or her
discretion authorize other exceptions to the electronic filing of documents and

may order that certain documents not be filed electronically.

(3) Emergencies. In the event that an emergency situation prevents a Registered User from timely filing a document electronically through the Electronic Case Filing Program, such person shall be permitted to file the document either conventionally or through alternative means set forth in the Electronic Case Filing Procedures.

(4) Inability to File Electronically. An attorney required to file electronically may submit to the Chief Bankruptcy Judge, or his or her designate, an "Affidavit of Inability to File Electronically" certifying that he or she is unable to comply with the electronic filing requirements. The Affidavit shall state the circumstances which justify an exception from electronic filing. Upon the first submission of such an affidavit, the attorney shall have an automatic grace period of 90 days during which he or she shall not be required to electronically file documents. Should the attorney require additional time beyond the grace period, he or she may petition the Chief Bankruptcy Judge, or his or her designate, for such additional time as may be necessary and said request shall be considered on a case by case basis.

(5) Documents under seal. A document that a person desires to file under seal may be prepared in paper form and submitted to the Clerk's Office. The motion to file such document under seal shall be filed electronically, if the filing party is required to file electronically.

5005-7. Procedures for Filing Documents Electronically.

As used in this Rule, the word “attorney” means an attorney admitted to practice in the Bankruptcy Court.

(a) Format Requirements. An electronically filed document shall be prepared in accordance with the format requirements of BLR 5005-1 and 5005-3, except as otherwise provided by this Rule and the Electronic Case Filing Procedures.

(b) Signatures.

(1) Signature of attorneys on document electronically filed by attorney.

A document electronically filed by an attorney that an attorney signs or is required to sign under the Bankruptcy Rules or other applicable law shall identify each attorney signing such document in accordance with BLR 5005-1(e). If the document is filed electronically in a text format, the signature of each attorney signing the document shall be indicated above the signature line with the notation “/s/” above the name of the person signing the document or by some other notation that clearly indicates that the document has been signed and by whom. If the document is filed electronically in an image format, the signature of each attorney signing the document shall be affixed to the original before the document is created in image format. Upon the electronic filing of the document, the signature of each such attorney as thus evidenced shall constitute a signature of each such attorney under Bankruptcy Rule 9011. The electronic filing of the document constitutes a representation and certification by the attorney filing the document that each attorney whose signature is thus evidenced (A) has signed or authorized such attorney’s signature and (B) has authorized the filing of the

document as thus signed.

(2) Signature on document electronically filed by non-attorney. A document that is electronically filed by a person who is not an attorney and that the filing person signs or is required to sign shall state the name of each person signing the document. If the document is filed electronically in a text format, the signature of the person signing the document shall be indicated above the signature line with the notation “/s/” above the name or by some other notation that clearly indicates that the document has been signed and by whom. If the document is filed electronically in an image format, the signature of the person signing the document shall be affixed to the original before the document is created in image format. Upon the electronic filing of the document, the signature of such person as thus evidenced shall constitute a signature of such person under Bankruptcy Rule 9011. The electronic filing of the document constitutes a representation and certification by the person filing the document that the person whose signature is thus evidenced (A) has signed or authorized such signature and (B) has authorized the filing of the document as thus signed.

(3) Signatures on document of persons other than person filing electronically. An electronically filed document (other than a proof or transfer of a proof of claim filed in accordance with BLR 5005-9) that is signed by a person other than, or in addition to, the person electronically filing the document, shall state the name and state bar registration or identification number of each attorney (if any) and the name of any other person signing such

document. If the document is filed electronically in a text format, the signature of each person signing the document shall be indicated above the signature line with the notation “/s/” above the name of each person signing the document or by some other notation that clearly indicates that the document has been signed and by whom. If the document is filed electronically in an image format, the signature of each person signing the document shall be affixed to the original before the document is created in image format. Upon the electronic filing of the document, the signature of each such person as thus evidenced shall constitute a signature of each such person under Bankruptcy Rule 9011. The electronic filing of the document constitutes a representation and certification by the person filing the document (A) that each person whose signature is thus indicated on the document has signed it and (B) that, at the time of filing, the person filing the document electronically is in possession at the time of filing of an original document signed as indicated on the electronically filed document. The requirements of (b)(1) or (b)(2), as applicable, apply with regard to the signature, if any, of the filing person.

(c) Verified Papers.

(1) A person electronically filing a Verified Paper thereby certifies and represents that such filer has in such filer’s possession at the time of filing the fully executed original Verified Paper, with an original signature affixed thereto signed by each person whose signature is indicated thereon.

(2) A person electronically filing a Verified Paper in image format thereby

certifies that the image is an exact copy of the original. A person electronically filing a Verified Paper in text format thereby certifies that its text is identical to the original.

(3) The following Rules apply with regard to a Verified Paper filed in text format:

(A) A person electronically filing a Verified Paper in text format shall conform the copy filed electronically to the original Verified Paper. Each signature shall be indicated above the signature line with the notation “/s/” above the name of the person signing or by some other notation that clearly indicates that the document has been signed and by whom. Hand-written or stamped text or notations, including without limitation dates and stamps concerning the commissions of notaries public, shall be typed on the filed copy. Seals shall be noted by such expressions as “Legal Seal,” “L.S.,” “Notary Seal,” etc., as appropriate.

(B) The person filing the Verified Paper: (i) shall maintain in such person's files the original Verified Paper in its entirety for a period ending one year after the case or proceeding in which the Verified Paper is filed is closed; (ii) shall produce the original for inspection and copying upon request of the Bankruptcy Court or any party in interest; and (iii) if ordered by the Bankruptcy Court, shall transmit the original to the Bankruptcy Clerk.

(C) If the Verified Paper is a paper that must be verified or contain an unsworn declaration as provided in 28 U.S.C. § 1746 as required by Bankruptcy

Rule 1008 (including any petition; list of creditors; schedule of assets and liabilities, current income and expenditures, or executory contracts and unexpired leases; statement of financial affairs; statement of intention; and any amendment to any of the foregoing, as set forth in Bankruptcy Rules 1002, 1003, 1004.1, 1007, and 1009) (a “Rule 1008 Paper”), then each debtor and the person filing such Rule 1008 Paper shall sign, and the attorney for the debtor shall file in image format, a declaration under penalty of perjury substantially conforming to Local Form 5005-7(c)(3)(B), simultaneously with the Rule 1008 Paper.

(d) Motions Under Seal. BLR 5005-6(b)(5) governs motions with regard to the filing of documents under seal.

(e) A trustee may file a report of no distribution by making a docket entry with appropriate text in such form as is approved by the United States Trustee without filing a pleading containing the report and said trustee shall not be required to maintain any original or scanned copy of said report or otherwise comply with the requirements of paragraph (c) of this Rule with regard to said report.

(f) The Electronic Case Filing Procedures may authorize the filing of routine pleadings and papers by the making of a docket entry with appropriate text as is approved by the Bankruptcy Court.

5005-8. Service of Electronically Filed Documents.

(a) An electronically filed document must be served in accordance with the requirements of the Bankruptcy Code, the Bankruptcy Rules, and these Rules. A Certificate of Service may be filed electronically and may be appended to the document to which it refers.

(b) Except as set forth in paragraph (c) below, service upon a Registered User may be effected by service of a notice of electronic filing in accordance with the Electronic Case Filing Procedures and in the form set forth therein. The electronic service of such notice of electronic filing of a document shall constitute service of such document to such Registered User so that the filing party shall not be required to serve by mail or hand delivery the filed document to which the notice of electronic filing refers. By becoming a Registered User and accepting a password for participation in the Electronic Case Filing system, a Registered User waives the right to receive notice and service by mail or hand delivery, including notices described in Bankruptcy Rules 2002(a)(2)(3) and (6).

(c) Notices mandated by Rules 2002(a)(1), (4), (5), (7), (8) and (b)(1) and (2) shall be served by paper copies in accordance with those Rules, unless a party in interest requests pursuant to Bankruptcy Rule 9036 that such notices be given electronically.

5005-9. Electronic Filing of Proof of Claim or Transfer of Claim.

(a) A Registered User may file a proof of claim or a transfer of claim electronically in accordance with these Rules and the Electronic Case Filing Procedures. BLR 3002-1 applies to an electronically filed proof of claim or transfer of a claim, except as otherwise provided by these Rules or the Electronic Case Procedures.

(b) An electronically filed proof of claim or transfer of claim shall be signed in accordance with BLR 5005-7(b). No person or entity shall cause or permit a proof of claim or transfer of claim to be filed electronically without the express authorization of the individual whose signature appears on the electronically filed document and the person or entity on whose behalf the document is being filed. When an individual creditor or employee or agent of any

creditor who is a Registered User electronically files a proof of claim or a transfer of claim, that individual creditor, employee, or agent certifies (1) that he or she is authorized to file the proof of claim or transfer of claim by the entity on whose behalf the document is being filed; (2) the creditor is the same entity who is a Registered User; and (3) the individual whose signature is shown on the proof of claim or transfer of claim has authorized such signature and the filing of that document. Upon the electronic filing of a proof of claim or a transfer of claim, the signature in accordance with BLR 5005-7(b) shall constitute a signature for purposes of Bankruptcy Rule 9011, of 18 U.S.C. §§152 and 3571, and of other applicable law.

5011-1. Withdrawal of the Reference: Form of Request; Place for Filing.

(a) **By Party.** A request for withdrawal of the reference of a case or a proceeding referred to the Bankruptcy Court shall be made by motion filed with the Bankruptcy Clerk. All such motions shall conform to BLR 7007-1. In addition, all such motions shall clearly and conspicuously state ~~that,~~ "RELIEF IS SOUGHT FROM A UNITED STATES DISTRICT JUDGE," and ~~all motions~~ should refer to and comply with 28 U.S.C. § 157(d) and Bankruptcy Rule 5011(a).

(b) **By Bankruptcy Judge.** A request for withdrawal of the reference of a case or a proceeding referred to the Bankruptcy Court may be made *sua sponte* by a Bankruptcy Judge at any time.

5011-2. Withdrawal of the Reference: Time for Filing of Motion.

(a) **Bankruptcy Cases.** A motion to withdraw the reference of all or any part of a bankruptcy case shall be served and filed on or before 30 days after the date first scheduled for the meeting of creditors held pursuant to 11 U.S.C. § 341(a).

(b) **Adversary Proceedings.** A motion to withdraw the reference of all or any part of an

adversary proceeding shall be served and filed not later than 11 days after service of any timely filed pleading or paper in which the ~~basis~~ground for the motion to withdraw the reference first arises.

(c) **Contested Matters.** A motion to withdraw the reference of a contested matter within a case shall be served and filed no later than 11 days after service of the motion, application or objection which initiates the contested matter.

5011-3. Withdrawal of the Reference: ~~Number of~~ Copies and Required Exhibits.

~~The moving party shall attach as exhibits two sets of~~A party moving to withdraw the reference shall attach, as exhibits to the motion, copies of all pertinent portions of any record in the Bankruptcy Court that the party believes will be necessary for consideration of the motion ~~to withdraw the reference~~. The responding party shall similarly attach, ~~as exhibits two sets of~~the response, copies of all additional pertinent portions of the record in the Bankruptcy Court that the party believes will be necessary for consideration of the motion or response. When ruling on the motion, the District Court may consider only those portions of the record ~~which~~that are attached as exhibits.

5011-4. Withdrawal of the Reference: Responses to Motions to Withdraw the Reference; Reply.

Opposing parties shall file with the Bankruptcy Clerk and serve on all parties to the matter as to which the withdrawal of the reference has been requested, their written responses to the motion to withdraw the reference within 11 days after being served with a copy of the motion. The moving party may serve and file a reply within 11 days after service of a response.

5011-5. Withdrawal of the Reference: Transmittal to and Proceedings in the District Court.

When the record is complete for purposes of transmittal, but without awaiting the filing of any transcripts, the Bankruptcy Clerk shall promptly transmit to the ~~Clerk of the District Court~~Clerk the

motion papers and ~~one set of the~~ attached exhibits.- After the District Court has assigned a number to the case or matter, all documents pertaining to the matter under review by the District Court shall be filed with the ~~Clerk of the~~ District ~~Court~~Clerk. - The parties shall continue to file all documents relating to all other matters in the bankruptcy case or adversary proceeding with the Bankruptcy Clerk.

5071-1. Continuances Generally.

A continuance of any trial, pretrial conference, or other hearing will be granted only on the basis of exceptional circumstances. No such continuance will be granted on stipulation of counsel alone, but shall ~~require an order of~~ be granted only by the Bankruptcy ~~Court~~Judge.

5071-2. Continuances: Absence of Witnesses.

Motions for continuance on account of the absence of any witness must show the steps which have been taken to secure the attendance of the witness and must reveal the nature of the witness's testimony. The motion must also state the time at which the witness will be available and, unless waived, must include a certificate of a doctor when illness of the witness is alleged. The stipulation of the adversary as to the witness's testimony shall be sufficient reason for denial of the motion for continuance.

5071-3. Attorney Conflicts: Section 341 Meeting of Creditors.

When an attorney has a hearing or other matter before the Bankruptcy Court in which the attorney is lead counsel scheduled for the same time as a § 341 meeting of creditors, the attorney shall give prompt written notice of the conflict and a proposed resolution thereof to the case trustee, Chapter 13 Trustee, or United States Trustee as appropriate.

5071-4. Attorney Conflicts: Appearances Before the Bankruptcy Court.

(a) When an attorney is scheduled for a day certain to appear in two or more courts, and the

matter cannot be informally resolved with counsel for the other side or with the courtroom deputy, the attorney shall give prompt written notice as specified below. In the absence of objection from opposing counsel or the courts affected, the proposed order of conflict resolution shall stand.

(b) The attorney shall submit prompt notice of the conflict not less than seven days prior to the date of conflict to each courtroom deputy, clerk for the Bankruptcy Judge, and other judge(s), together with a proposed resolution of the conflict setting forth the proposed order of matters to be tried with a listing of the time and date of each hearing or trial and the date each matter was set for hearing or trial.

(c) An attorney shall be deemed to have a conflict if the attorney certifies:

(1) the attorney is lead counsel in two or more of the actions affected; and

_____ (2) the matters cannot be adequately handled, and the client's interest adequately protected, by other counsel for the party in the action or by other attorneys in lead counsel's firm; and

_____ (3) after communication with counsel for the other party or parties and communication with the appropriate courtroom deputy or deputies, the conflict cannot be resolved.

5072-1. Weapons Not Allowed in Courthouse.

LR 83.5 is applicable to and governs all actions and proceedings in the Bankruptcy Court.

5073-1. Television and Radio Broadcasting, Tape Recording, or Photographing Judicial Proceedings.

The taking of photographs and operation of tape recorders in the courthouse and radio or television broadcasting from the courthouse during the progress of or in connection with judicial

proceedings, including proceedings before a Bankruptcy Judge whether or not Bankruptcy Court is actually in session, is prohibited. A judicial officer may, however, permit: (1) the use of electronic or photographic means for the presentation of evidence or the perpetuation of a record, and (2) the broadcasting, televising, recording, or photographing of investitivure, ceremonial, or naturalization proceedings. —

_____ To facilitate the enforcement of this ~~+~~Rule, no photographic, broadcasting, ~~television, cellular telephones, computers~~, sound or recording equipment other than the recording equipment of the official court reporters, will be permitted to be operated on the floors of the courthouse occupied by the Bankruptcy Court, except as otherwise permitted by order of the judicial officer before whom the particular case or proceeding is pending. ~~—Employees of other federal agencies located within the security parameters of~~

Portable computers, cellular telephones, pagers and personal communication devices may be transported onto floors occupied by the Bankruptcy Court; however, these devices shall not be operated in any courtroom, nor shall they be operated in any public area, where their operation is disruptive of any court proceeding unless otherwise permitted by order of the Bankruptcy Court.

All electronic photographic, broadcasting, sound or recording equipment brought into the courthouses, ~~with valid agency identification, are permitted to transport any of the equipment named above through security checkpoints for the purpose of using same in their official capacities.~~ ~~Said equipment~~ shall be subject to inspection by the United States Marshals' Service. —

5073-2. Provisions for Special Orders in Widely Publicized or Sensational Civil Cases.

In a widely publicized or sensational case, the Bankruptcy Court, on motion of any party or on its own motion, may issue a special order governing such matters as extrajudicial statements by parties and witnesses likely to interfere with the rights of the parties to a fair trial by an impartial jury; the seating and conduct in the courtroom of spectators and news media representatives; the management and sequestration of jurors and witnesses; and any other matters which the Bankruptcy Court may deem appropriate for inclusion in such an order.

6007-1. Abandonment.

(a) **By Consent.** In accordance with Bankruptcy Rule 6007, upon motion and order consented to in writing by the debtor, the trustee and any entity claiming an interest in the property of the estate, where the equity in the property is shown on the face of the order to be \$1,000.00 or less, the Bankruptcy Court may authorize a trustee in an individual's Chapter 7 case to abandon property of the estate, without further notice or service.

(b) **By Trustee.** In accordance with Bankruptcy Rule 6007, if the § 341 ~~First~~ Meeting of Creditors Notice provides therefor, a trustee in the Chapter 7 case of an individual may give oral notice of a proposed abandonment at a Meeting of Creditors held pursuant to 11 U.S.C. § 341(a) and no further notice or service shall be required; provided, however, that said oral notice shall be reduced to a writing, stating the grounds therefor, and filed with the Bankruptcy Clerk, within 15 days after the Meeting of Creditors. If no objection to the proposed abandonment is filed within 15 days following the filing of the trustee's notice, the property shall be deemed abandoned.

(c) **By a Party in Interest.** A party in interest filing a motion to abandon property in accordance with Bankruptcy Rule 6007(b) shall perfect service thereof as provided by Bankruptcy

Rule 6007(a) and shall also serve the trustee, debtor, and debtor's counsel. Any objection to a proposed abandonment shall state the grounds therefor, shall be filed with the Bankruptcy Clerk and shall be served on the trustee, the debtor in possession and the party serving notice of the proposed abandonment within 15 days from the date of service of the notice.

6008-1. Redemption and Avoidance of Liens: Filing and Service of Motion.

A debtor filing a motion to redeem property pursuant to 11 U.S.C. § 722 and Bankruptcy Rule 6008 or to avoid a lien on exempt property pursuant to 11 U.S.C. § 522 and Bankruptcy Rule 4003(d) shall attach thereto:

(a) a notice substantially complying with the forms attached at the conclusion of these ~~Rules~~ as Forms ~~"1-A"~~ 6008-1(A) or 6008-1(B), as appropriate; and ~~"1-B" and~~

(b) a ~~e~~Certificate of ~~s~~Service signed by the party or the party's attorney that the respondent has been served with copies of the motion and of the aforesaid notice in the manner provided by Bankruptcy Rule 9014. The ~~e~~Certificate of ~~s~~Service shall include the name and address of all persons who have been served.

6008-2. Redemption and Avoidance of Liens: Filing of Response Required.

The respondent shall file a response to a motion under BLR 6008-1 within 20 days of the date of service and serve a copy of same on movant. ~~In the event that~~If no response is timely filed and served, the motion will be deemed unopposed and the Bankruptcy Court ~~shall~~may enter an order granting the relief sought. ~~In the event that~~If the motion is timely controverted, the Bankruptcy Court may schedule a hearing on notice to the movant and respondent or order such other proceedings as may be appropriate.

7004-1. Dismissal Without Prejudice.

(a) **Omission of Response Date on Summons.** Failure of a party or attorney for a party to state the correct response time on a summons or notice of lawsuit and request for waiver of service of summons attached to a complaint, third-party complaint, or any other pleading that requires a summons shall constitute grounds for dismissal of the action without prejudice.

(b) **Failure to Effectuate Service of Process.** In accordance with Rule 4 of the Federal Rules of Civil Procedure, the Bankruptcy Court may, with notice to the party on whose behalf service was required, dismiss the action without prejudice as to any defendant not served within 120 days after the filing of the complaint.

(c) **Failure to Update Office Address and Number.** The failure of counsel for a party or of a party appearing *pro se* to keep the Bankruptcy Clerk's office informed of any change in address or telephone number which causes a delay or otherwise adversely affects the management of the case shall constitute grounds either for dismissal of the action without prejudice or for entry of a default judgment.

7005-1. Proof of Service.

The person serving process in an adversary proceeding or serving a motion initiating a contested matter with regard to which service on an opposing party is required shall make proof of service thereof promptly to the Bankruptcy Court in accordance with the Bankruptcy Rules. The Certificate of Service must include the name and address of all persons and parties served.

7007-1. Filing of Motions and Responses in Adversary Proceedings; Hearings.

~~(a) Filing of Motions.~~ (1) This Rule applies only in adversary proceedings and whenever the Bankruptcy Court makes Part VII of the Bankruptcy Rules applicable in a contested matter.

(a) Briefs; Affidavits. Every motion presented to the Bankruptcy Clerk for filing shall be accompanied by a memorandum of law ~~which~~that cites supporting authority. If allegations of fact not otherwise in the record are relied upon, supporting affidavits must be attached to the memorandum of law. ~~(2) Specific filing times for some motions are set forth below. All other motions must be filed WITHIN 30 DAYS after the Preliminary Statement is filed or should have been filed, unless the filing party has obtained prior permission of the Bankruptcy Court to file later.~~

(b) Motions Pending on Removal. See BLR 9027-1.

(c) Response to Motion.— Any party opposing a motion shall file and serve the party's response, responsive memorandum, affidavits, and any other responsive material not later than ten days after service of the motion, except that ~~in cases of~~the time to respond to a motion for summary judgment ~~the time~~ shall be 20 days ~~after the service of the motion~~. Failure to file a response shall indicate ~~that there is~~ no opposition to the motion.

(d) Reply.— A reply by the movant shall be permitted, but it is not necessary for the movant to file a reply as a routine practice. When the movant deems it necessary to file a reply ~~brief~~, the reply must be filed and served not later than ten days after service of the responsive pleading.

(e) Page and Type Limitations.— Absent prior permission of the Bankruptcy Court, briefs filed in support of a motion or in response to a motion are limited in length to 25 ~~double-spaced~~ pages, ~~one side only, with no more than ten printed characters per inch~~. If the movant files a reply, the reply brief may not exceed 15 ~~double-spaced pages, one side only, with ten or less characters per inch~~. ~~(e) Hearings.~~ pages.

(f) Hearings. Motions will be decided by the Bankruptcy Court without ~~oral~~a hearing, unless

a hearing is ordered by the Bankruptcy Court.

~~(f)~~ (g) Expedited Hearings on Motions. Upon written motion and for good cause shown, the Bankruptcy Court may shorten the time requirements of this Rule or grant an immediate hearing on any matter requiring such expedited procedure. The motion shall set forth in detail the necessity for such expedited procedure.

(h) Effect of Noncompliance.— The Bankruptcy Court, in its discretion, may decline to consider any motion or brief that fails to conform to the requirements of these ~~Rules~~ Rules.

~~7007-2. Emergency Motions. — Upon written motion and for good cause shown, 7016-1 Rule 26(f) Conference and Rule 16(b) Scheduling Order.~~

This Rule applies (i) in adversary proceedings, unless otherwise ordered by the Bankruptcy Court, and (ii) whenever the Bankruptcy Court ~~may waive the time requirements of this rule and grant an immediate hearing on any matter requiring such expedited procedure. The motion shall set forth in detail the necessity for such expedited procedure. 7016-1~~ makes Part VII of the Bankruptcy Rules applicable in a contested matter, except in categories of proceedings exempt from initial disclosure under Rule 26(a)(1)(E) of the Federal Rules of Civil Procedure.

(a) Rule 26(f) Conference and Report.

(1) Within 20 days after the later of the appearance of the first defendant by answer or motion or the removal of a proceeding to the Bankruptcy Court, all unrepresented parties and counsel for all represented parties shall confer as required by, and for the purposes of, Rule 26(f) of the Federal Rules of Civil Procedure and to discuss scheduling matters as set forth in Rule 16(b) of the Federal Rules of Civil Procedure.

(2) All unrepresented parties and counsel for all represented parties are jointly responsible for submitting, within 14 days after the Rule 26(f) conference, a written report outlining the discovery plan, addressing any scheduling matters of concern to the parties as set forth in Rule 16(b), and proposing a scheduling order in accordance with Rule 16(b) for consideration by the Bankruptcy Court. Form 7016 may be used for the proposed scheduling order.

(3) If one or more parties or their counsel fails or refuses to cooperate in the scheduling of the Rule 26(f) conference and in the preparation and filing of the report as set forth above, the other parties shall file appropriate joint or separate reports.

(4) In lieu of submitting the Rule 26(f) report and proposed scheduling order, the parties may submit a written stipulation stating that the parties have agreed to waive initial disclosures otherwise required by Rule 26(a)(1), that no departures from the standard discovery provisions of the Federal Rules of Civil Procedure and these Rules are required in the proceeding, that discovery shall begin on the day after the last day for the Rule 26(f) conference specified above, and that the parties agree to a scheduling order in accordance with paragraph (b) of this Rule. The failure of the parties to timely comply with the provisions of this Rule shall be deemed to be such a stipulation, unless the Bankruptcy Court orders otherwise for cause shown.

(b) Scheduling Order.

(1) Following receipt of the report required by paragraph (a), the

Bankruptcy Court will enter an appropriate scheduling order. A conference will be held only if directed by the Bankruptcy Court.

(2) If the parties submit a written stipulation as set forth in paragraph (a)(4) of this Rule or fail to timely comply with the provisions of paragraph (a)(4), then, unless the Bankruptcy Court orders otherwise, no separate scheduling order shall be entered and:

(A) Discovery shall commence on the 21st day after the later of the appearance of the first defendant by answer or motion or the removal of a proceeding to the Bankruptcy Court ;

(B) Motions to join other parties or to amend the pleadings must be filed within 30 days of the beginning of discovery;

(C) Discovery must be completed within 90 days after the later of the appearance of the first defendant by answer or motion or the removal of a proceeding to the Bankruptcy Court, unless the Bankruptcy Court orders otherwise in accordance with BLR 7026-2; and

(D) BLR 7026-2(c) applies with regard to expert witnesses.

This schedule shall not be modified except upon a showing of good cause and by leave of the Bankruptcy Court.

7016-2. Form and Content of Consolidated Pretrial Order (Non-Jury).

In all adversary proceedings other than those covered in BLR 7016-2 and whenever the Bankruptcy Court makes Part VII of the Bankruptcy Rules applicable in contested matters, the parties shall file a proposed pretrial order in accordance with this ~~rule.~~ ~~(a) Procedure.~~ Rule, unless the Bankruptcy Judge to whom the proceeding is assigned directs that a proposed pre-trial order not be filed or directs that it be prepared in a different manner.

(a) Procedure. The parties shall prepare and sign a proposed consolidated pretrial order to be filed with the Bankruptcy Clerk no later than 30 days after the close of discovery. -It shall be the responsibility of plaintiff's counsel to contact defense counsel to arrange a date for the conference necessary to prepare the pretrial order.- If issues arise on which counsel for the parties cannot agree, the areas of disagreement must be set forth in the proposed pretrial order. In those cases in which a pending motion for summary judgment exists, the time for filing the pretrial order shall automatically be suspended until 30 days after the Bankruptcy Court has ruled on the motion for summary judgment, unless otherwise ordered by the Bankruptcy Court. If counsel desire a pretrial conference, a request must be indicated on the proposed pretrial order immediately below the adversary proceeding number. Counsel will be notified if the Bankruptcy Judge determines that a pretrial conference is necessary. A case shall be presumed ready for trial after the pretrial order is entered unless another time is specifically set by the Bankruptcy Court.

(b) **-Content.**- Each proposed consolidated pretrial order shall contain the information outlined below. No modifications or deletions shall be made without the prior permission of the Bankruptcy ~~Court.~~ Judge. The proposed order shall contain:

_____ (1)- A statement of any pending motions or other matters.

_____ (2)- A statement that, unless otherwise noted, discovery has been completed. Counsel will not be permitted to file any further motions to compel discovery. ~~Provided there is no resulting delay in readiness for trial, t~~The parties shall, however, be permitted to take the depositions of any persons for the preservation of evidence and for use at trial if doing so will not delay the trial.

_____ (3)- A statement as to the correctness of the names of the parties and their capacity and as to any issue of misjoinder or non-joinder of parties.

_____ (4)- A statement as to any question of the Bankruptcy Court's jurisdiction and the statutory basis of jurisdiction.

_____ (5)- The individual names, addresses, and telephone numbers of lead counsel for each party.

_____ (6)- A brief description, including style and case number of any pending related litigation, including any related pending adversary proceedings.

_____ (7)- An outline of plaintiff's case, which shall include:

_____ (A)- A succinct factual statement of plaintiff's cause of action which shall ~~be~~ neither be argumentative nor recite evidence.-

_____ (B)- A separate listing of all Bankruptcy Rules and statutes as well as any other ~~r~~Rules, regulations, statutes, ordinances, and illustrative case law relied upon by plaintiff.

_____ (C)- A separate statement for each item of damage claimed containing a brief description of the item of damage, dollar amount claimed, and citation to the law, ~~r~~Rule, regulation, or any decision authorizing a recovery for that

particular item of damage. Items of damage not identified in this manner shall not be recoverable.

_____ (8)- An outline of defendant's case, which shall include:

_____ (A)- A succinct factual summary of defendant's general, special, and affirmative defenses, which shall ~~be~~ neither be argumentative nor recite evidence.

_____ (B) A separate listing of all Bankruptcy Rules and statutes as well as any other ~~R~~Rules, regulations, statutes, ordinances; and illustrative case law creating a defense relied upon by defendant.

_____ (C) A separate statement for each item of damage claimed in a counterclaim, which shall contain a brief description of the item of damage, the dollar amount claimed, and citation to the law, ~~R~~Rule, regulation, or any decision which authorizes a recovery for that particular item of damage. Items of damage not identified in this manner shall not be recoverable.

_____ (9)- Any objection by the defendant to the outline of the plaintiff's case.

_____ (10)- Any objection by the plaintiff to the outline of the defendant's case.

_____ (11)- A listing of stipulated facts. It is the duty of counsel to cooperate fully with each other to identify all undisputed facts. -A refusal to do so may result in the imposition of sanctions upon the non-cooperating counsel.

_____ (12)- A statement of the legal issues to be tried.

_____ (13)- A separate listing for each party of the witnesses (and their addresses) whom that party will or may have present at trial, including impeachment and rebuttal

witnesses whose use can or should have been reasonably anticipated. -A representation that a witness will be called may be relied upon by other parties unless notice is given ten days prior to trial to permit other parties to subpoena the witness or obtain his testimony by other means.- Witnesses not included on the witness list will not be permitted to testify.

_____ (14)- Documentary and Physical Evidence:

_____ (A)- A separate, typed, serially numbered listing, beginning with 1 and without the inclusion of any alphabetical or numerical subparts, of each party's documentary and physical evidence. -Adequate space must be left on the left margin of each list for Bankruptcy Court stamping purposes. -A courtesy copy of each party's list must be submitted for use by the Bankruptcy Judge. Learned treatises which counsel expect to use at trial shall not be admitted as exhibits, but must be separately listed on the party's exhibit list.

_____ (B)- Prior to trial, counsel shall affix to each exhibit stickers numbered to correspond with the party's exhibit list. Plaintiffs shall use yellow stickers; defendants shall use blue stickers; and white stickers shall be used on joint exhibits. The surname of a party must be shown on the numbered sticker when there are either multiple plaintiffs or multiple defendants.

_____ (C)- A separate, typed listing of each party's objections to the exhibits of another party. The objections shall be attached to the exhibit list of the party against whom the objections are raised. Objections as to authenticity, privilege, competency, and, to the extent possible, relevancy of the exhibits

shall be included. Any listed document to which an objection is not raised shall be deemed to have been stipulated as to authenticity by the parties, and such documents will be admitted at trial without further proof of authenticity.

_____ (D)- A statement of any objections to the use at trial of copies of documentary evidence.

_____ (E)- Documentary and physical exhibits may not be submitted by counsel after filing of the pretrial order, except upon consent of all the parties or permission of the Bankruptcy Court. Exhibits so admitted must be numbered, inspected by counsel, and marked with stickers prior to trial.

_____ (F)- Counsel shall familiarize themselves with all exhibits (and the numbering thereof) prior to trial. Counsel will not be afforded time during trial to examine exhibits that are or should have been listed herein.

_____ (15)- A listing of all persons whose testimony at trial will be given by deposition and designation of the portions of each person's deposition which will be introduced. Objections not filed by the date on which the case is first scheduled for trial shall be deemed waived or abandoned. -Extraneous and unnecessary matters, including non-essential colloquy of counsel, shall not be permitted to be read into evidence.

_____ (16)- Any trial briefs which counsel may wish to file containing citations to legal authority on evidentiary questions and other legal issues. Briefs must be limited to 25 pages unless leave to exceed the limit is granted by the Bankruptcy Court in

advance. No brief will be considered that does not comply. Any brief in excess of 15 pages shall be indexed.

_____ (17)- Third-party claimants, crossclaimants and those asserting counterclaims shall furnish the same information with respect to their claims; however, duplication of matters already covered is not required.

_____ (18)- Counsel are directed to submit a statement of proposed Findings of Fact and Conclusions of Law no later than the opening of trial.

_____ (19)- A statement of the date on which counsel met personally to discuss settlement, whether the Bankruptcy Court has discussed settlement with counsel, and the likelihood of settlement of the case at this time.

_____ (20)- A statement of each party's estimate in hours of the time required to present that party's evidence and an estimate of the total trial time.

_____ (21)- Any request for a pretrial conference prior to trial.

_____ (22) The following paragraph shall be included at the close of each proposed pretrial order above the signature line for the Bankruptcy Judge:

_____ IT IS HEREBY ORDERED that the above constitutes the pretrial order for the above captioned case () submitted by stipulation of the parties or () approved by the Bankruptcy Court after conference with the parties.

_____ IT IS FURTHER ORDERED that the foregoing, including the attachments thereto,

constitutes the pretrial order in the above case and that it supersedes the pleadings which are hereby amended to conform hereto and that this pretrial order shall not be amended except by Order of the Bankruptcy Court, to prevent manifest injustice.

_____ IT IS SO ORDERED this _____ day of _____, ~~19~~ 20.

_____ (23)- The signatures of lead counsel for each party on the last page below the Bankruptcy Judge's signature.

7016-~~23~~. Form and Content of Consolidated Pretrial Order (Jury Trial):-

In all adversary proceedings in which the parties have demanded a jury trial, whether to be tried upon consent in the Bankruptcy Court or in the District Court, each proposed consolidated pretrial order shall contain the information outlined below. -No modifications or deletions shall be made without the prior permission of the Bankruptcy Court. A form Pretrial Order prepared by the District Court and which counsel shall be required to use is contained in LR 84.1D, Appendix B, Form III. The proposed order shall contain:-

(1) -A statement of any pending motions or other matters. -

(2)- A statement that, unless otherwise noted, discovery has been completed. Counsel will not be permitted to file any further motions to compel discovery. ~~Provided there is no resulting delay in readiness for trial, d~~ Depositions for the preservation of evidence and for use at trial will be permitted, if doing so will not delay the trial.

(3)- A statement as to the correctness of the names of the parties and their capacity and as to

any issue of misjoinder or non-joinder of parties.—

(4) -A statement as to any question of the Court's jurisdiction and the statutory basis of jurisdiction.—

(5) -The individual names, addresses, and telephone numbers of lead counsel for each party.

(6)- A brief description, including style and case number of any pending related litigation, including any related pending adversary proceedings.—

(7)- A statement as to whether the case is to be tried to a jury, to the Court without a jury, or that the right to trial by jury is disputed.—

(8) -An expression of the parties' preference, supported by reasons, for a unified or bifurcated trial.—

(9)- A joint listing of the questions which the parties wish the Court to propound to the jurors concerning their legal qualifications to serve.

(10) -A listing by each party of requested general *voir dire* questions to the jurors. The Court will question prospective jurors as to their address and occupation and as to the occupation of a spouse, if any. Follow-up questions by counsel may be permitted. The determination of whether the Judge or counsel will propound general *voir dire* questions is a matter of courtroom policy which shall be established by each Judge.

(11) -A statement of each party's objections, if any, to another party's general *voir dire* questions.

(12)- A statement of the reasons supporting a party's request, if any, for peremptory challenges in addition to those allowed by 28 U.S.C. § 1870.

(13) -A brief description, including style and civil action number, of any pending related

litigation.

(14) -An outline of plaintiff's case, which shall include:

===== (a) A succinct factual statement of plaintiff's cause of action, which shall be neither argumentative nor recite evidence.

===== (b) A separate listing of all Rules, regulations, statutes, ordinances, and illustrative case law creating a specific legal duty relied upon by plaintiff.

===== (c) A separate listing of each and every act of negligence relied upon in negligence cases.

===== (d) A separate statement for each item of damage claimed, containing a brief description of the item of damage, dollar amount claimed, and citation to the law, Rule, regulation, or any decision authorizing a recovery for that particular item of damage. Items of damage not identified in this manner shall not be recoverable.

(15) An outline of defendant's case, which shall include:

===== (a) A succinct factual summary of defendant's general, special, and affirmative defenses which shall be neither argumentative nor recite evidence.

===== (b) A separate listing of all Rules, regulations, statutes, ordinances, and illustrative case law creating a defense relied upon by defendant.

===== (c) A separate statement for each item of damage claimed in a counterclaim, which shall contain a brief description of the item of damage, the dollar amount claimed, and citation to the law, Rule, regulation, or any decision which authorizes a recovery for that particular item of damage.- Items of damage not identified in this manner shall not be recoverable.

(16) A listing of stipulated facts which may be read into evidence at trial. It is the duty of counsel to cooperate fully with each other to identify all undisputed facts. A refusal to do so may result in the imposition of sanctions upon the non-cooperating counsel.

(17) A statement of the legal issues to be tried.

(18) ~~(a)~~(A) A separate listing, by each party, of all witnesses (and their addresses) whom that party will or may have present at trial, including expert (any witness who might express an opinion under Rule 702), impeachment and rebuttal witnesses whose use can or should have been reasonably anticipated. Each party shall also attach to the party's list a reasonably specific summary of the expected testimony of each expert witness.

 ~~(b)~~(B) A representation that a witness will be called may be relied upon by other parties unless notice is given ten days prior to trial to permit other parties to subpoena the witness or obtain the witness' testimony by other means.

 ~~(c)~~(C) Witnesses not included on the witness list will not be permitted to testify, unless expressly authorized by Court order based upon a showing that the failure to comply was justified. The attorneys may not reserve the right to add witnesses.

(19) ~~(a)~~(A) A separate, typed, serially numbered listing, beginning with 1 and without the inclusion of any alphabetical or numerical subparts, of each party's documentary and physical evidence. -Adequate space must be left on the left margin of each list for Bankruptcy Court stamping purposes.- A courtesy copy of each party's list must be submitted for use by the Judge. Learned treatises which counsel expect to use at trial shall not be admitted as exhibits, but must be separately listed on the party's exhibit list.

 ~~(b)~~(B) Prior to trial, counsel shall affix to each exhibit stickers numbered to correspond

with the party's exhibit list. Plaintiffs shall use yellow stickers; defendants shall use blue stickers; and white stickers shall be used on joint exhibits. The surname of a party must be shown on the numbered sticker when there are either multiple plaintiffs or multiple defendants.

_____ (eC) A separate, typed listing of each party's objections to the exhibits of another party. The objections shall be attached to the exhibit list of the party against whom the objections are raised. Objections as to authenticity, privilege, competency, and, to the extent possible, relevancy of the exhibits shall be included. Any listed document to which an objection is not raised shall be deemed to have been stipulated as to authenticity by the parties, and such documents will be admitted at trial without further proof of authenticity.

_____ (dD) A statement of any objections to the use at trial of copies of documentary evidence.

_____ (eE) Documentary and physical exhibits may not be submitted by counsel after filing of the pretrial order, except upon consent of all the parties or permission of the Court. Exhibits so admitted must be numbered, inspected by counsel, and marked with stickers prior to trial.

_____ (fF) Counsel shall familiarize themselves with all exhibits (and the numbering thereof) prior to trial. -Counsel will not be afforded time during trial to examine exhibits that are or should have been listed herein.

(20) A listing of all persons whose testimony at trial will be given by deposition and designation of the portions of each person's deposition which will be introduced. Objections not filed by the date on which the case is first scheduled for trial shall be deemed waived or abandoned. Extraneous and unnecessary matters, including non-essential colloquy of counsel, shall not be permitted to be read into evidence. No depositions shall be permitted to go out with the jury.

(21) Any trial briefs which counsel may wish to file containing citations to legal authority on evidentiary questions and other legal issues. Limitations, if any, regarding the format and length of trial briefs is a matter of individual practice which shall be established by each Judge.

(22) Counsel are directed to prepare, in accordance with LR 51.1, a list of all requests to charge in _jury trials.- These charges shall be filed no later than 9:30 a.m. on the date the case is calendared (or specially set) for trial. A short (one page or less) statement of the party's contentions must be attached to the requests. Requests should be drawn from the latest edition of the Eleventh Circuit District Judges Association's Pattern Jury Instructions and Devitt and Blackmar's Federal Jury Practice and Instructions whenever possible. In other instances, only the applicable legal principle from a cited authority should be requested.

(23) A proposed verdict form if counsel desire that the case be submitted to the jury in a manner other than upon general verdict.

(24) A statement of any requests for time for argument in excess of 30 minutes per side as a group and the reasons for the request.

(25) Counsel are directed to submit a statement of proposed Findings of Fact and Conclusions of Law in nonjury cases, which must be submitted no later than the opening of trial.

(26) A statement of the date on which lead counsel and persons possessing settlement authority to bind the parties met personally to discuss settlement, whether the Court has discussed settlement with counsel, and the likelihood of settlement of the case at this time.

(27) A statement of any requests for a special setting of the case.

(28) A statement of each party's estimate in hours of the time required to present that party's evidence and an estimate of the total trial time.

(29) The following paragraph shall be included at the close of each proposed pretrial order above the signature line for the Judge.

_____ IT IS HEREBY ORDERED that the above constitutes the pretrial order for the above captioned case () submitted by stipulation of the parties or () approved by the Court after conference with the parties.

_____ IT IS FURTHER ORDERED that the foregoing, including the attachments thereto, constitutes the pretrial order in the above case and that it supersedes the pleadings which are hereby amended to conform hereto and that this pretrial order shall not be amended except by Order of the Court, to prevent manifest injustice. Any attempt to reserve a right to amend or add to any part of the pretrial order after the pretrial order has been filed shall be invalid and of no effect and shall not be binding upon any party or the Court, unless specifically authorized in writing by the Court.

_____ IT IS SO ORDERED this _____ day of _____, ~~19~~ 20.

(30) The signatures of lead counsel for each party on the last page below the judge's signature.

7016-~~34~~. Pretrial Instructions: Sanctions. ~~(BLR 730-2)~~.

Failure to comply with the Bankruptcy Court's pretrial instructions may result in the imposition of sanctions, including dismissal of the case or entry of a default judgment. ~~7026-1~~

7026-1. Rule 26(f) Conference.

In adversary proceedings that are not in a category of proceedings exempt from initial disclosure under Rule 26(a)(1)(E) of the Federal Rules of Civil Procedure, or unless otherwise ordered by the Bankruptcy Court, the Rule 26(f) conference shall be held in accordance with BLR 7016-1. Further provisions with regard to the Rule 26(f) conference are set forth in BLR

7016-1.

7026-2. Discovery Period in Adversary Proceedings. ~~(BLR 717-1).~~ ~~(a) Length.~~

This Rule applies only in adversary proceedings and whenever the Bankruptcy Court makes Part VII of the Bankruptcy Rules applicable in a contested matter.

(a) Length. All discovery proceedings shall be initiated promptly so that discovery may be initiated and completed within ~~three months after the first answer to the complaint is filed or should have been filed~~ the time determined in accordance with BLR 7016(b), unless the Bankruptcy Court ~~has either shortened the time for discovery or has~~ for cause shown shortens or ~~extended~~ the time for discovery. Discovery must be initiated sufficiently early in the discovery period to permit the filing of answers and responses thereto within the time limitations of the existing discovery period.

(b) **Extensions of Time.** Motions for extensions of time for discovery must be filed prior to the expiration of the original or previously extended discovery period. A request for extension shall include the date issue was joined, the date on which the time limit in question is to expire, the dates of any and all previous extensions of time, and a description of the additional discovery ~~which~~ that is needed. —

(c) **Expert Witnesses.** Any party who desires to use the testimony of an expert witness shall designate the expert sufficiently early in the discovery period to permit the opposing party the opportunity to depose the expert and, if desired, to name its own expert witness sufficiently in advance of the close of discovery so that a similar discovery deposition of the second expert might also be conducted prior to the close of discovery. —

Any party who does not comply with the provisions of the foregoing paragraph ~~shall~~ may not be permitted to offer the testimony of the party's expert, ~~unless expressly authorized by Bankruptcy~~

~~Court order based upon a showing that the failure to comply was justified. **7026-2. Limitations on Discovery. (BLR 717-2).**—(a) Interrogatories. A party shall not at any one time or cumulatively serve more than 40 interrogatories upon any other party. Each subdivision of one numbered interrogatory shall be construed as a separate interrogatory. If counsel for a party believes that more than 40 interrogatories are necessary, counsel shall consult with opposing counsel promptly and attempt to reach a written stipulation as to a reasonable number of additional interrogatories. In the event a written stipulation cannot be agreed upon, the party seeking to submit additional interrogatories.~~

Any party objecting to an expert's testimony based on Rule 702 of the Federal Rules of Evidence and based on cases such as *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579, 113 S.Ct. 2786 (1993) shall file a motion ~~with~~ no later than the Bankruptcy Court showing the necessity for relief.—(b) Depositions. Unless otherwise ordered by the Bankruptcy Court, no deposition of any party or witness shall last more than six hours.date that the proposed pretrial order is submitted. Otherwise, such objections may be waived.

7026-3. Service and Filing of Discovery Material. (BLR 717-3).

(a) **Filing Not Generally Required.** Interrogatories, requests for documents, requests for admission, and answers and responses thereto shall be served upon other counsel or parties, but they shall not be routinely filed with the Bankruptcy Court. The party responsible for service of the discovery material shall, however, file a certificate with the Bankruptcy Clerk indicating the date of service. The party shall also retain the original discovery material and become its custodian. The original of all depositions upon oral examination shall be retained by the party taking the deposition.

(b) **Selective Filing Required for Motions, Trial, and Appeal.**

_____ (1) The custodial party shall file with the Bankruptcy Clerk at the time of use at trial or with the filing of a motion those portions of depositions, interrogatories, requests for documents, requests for admission and answers or responses thereto which are used at trial or which are necessary to the motion.

_____ (2) Where discovery materials not previously in the record are needed for appeal purposes, the Bankruptcy Court, upon application, may order or counsel may stipulate in writing that the necessary materials will be filed with the District Court Clerk.

(c) **Depositions Under Seal.** At the request of any attorney of record in the case, the Bankruptcy Clerk may open the original copy of any deposition which has been filed with the Bankruptcy Clerk in accordance with this ~~Rule~~. The Bankruptcy Clerk shall note on the deposition the date and time at which the deposition was opened. The deposition shall not be removed from the Bankruptcy Clerk's office.

7037-1. Motions to Compel: ~~Rule 7007 Applicable. (BLR 705-2; DCLR 220-4).~~

~~Motions to compel are subject to the provisions set forth in BLR 7007. 7037-2. Motions to Compel: Other Requirements. (BLR 717-4). (a) Duty to Confer. Counsel Discovery.~~

(a) Good Faith Effort to Resolve Disputes. Counsel and unrepresented parties shall have the duty to make a good faith effort to resolve by agreement among themselves any disputes ~~which~~that arise in the course of discovery. ~~—~~

-(b) **Form of Motion.** When, despite their good faith efforts, ~~counsel are unable to resolve~~ discovery ~~issues~~disputes cannot be resolved without the intervention of the Bankruptcy Court, ~~counsel~~a party may file a motion to compel discovery in accordance with Rules 26, 33, 34, 36, and

37 of the Federal Rules of Civil Procedure. The moving party shall attach to the motion a statement certifying that counsel for movant ~~and counsel for respondent conferred in an attempt to resolve the controversy,~~ or the movant, if unrepresented, has in good faith conferred or attempted to confer with the party not making disclosure or discovery in an effort to secure disclosure or discovery by agreement but that ~~they~~ such efforts were ~~unable to do so. Movant's counsel~~ not successful. The motion shall also state the issues ~~which~~ that remain to be resolved.

A motion to compel shall:

- _____ (1) Quote verbatim each interrogatory, request for admission, or request for production to which objection is taken;
- _____ (2) State the specific objection;
- _____ (3) State the grounds assigned for the objection (if not apparent from the objection);
- and
- _____ (4) Cite authority and include a discussion of the reasons assigned as supporting the motion. —

The motion shall be arranged so that the objection, grounds, authority, and supporting reasons follow the verbatim statement of each specific interrogatory, request for admission, or request for production to which an objection is raised. — ~~(c) Response to Motion. Response~~ If the ground for the motion to compel is the opposing party's failure to respond, the movant need attach copies of the discovery requests only.

_____ (c) Procedures. Motions to compel and responses thereto are subject to the general motion requirements set forth in BLR 7007-1. A response to a motion to compel ~~discovery~~ shall be served within ten days after service of the motion. —

(d) **Time Limitation for Filing.** ~~Unless otherwise ordered by the Bankruptcy Court, A~~ motions to compel discovery must be filed within the ~~time remaining prior to~~ later of (i) the close of discovery or, ~~(if longer, within)~~ ten days after ~~service of~~ the date for responding to the discovery ~~responses~~ request(s) upon which the ~~objection~~ motion is based, unless the Bankruptcy Court orders otherwise. The close of discovery is established by the expiration of the original or extended discovery period or by written notice of all counsel, filed with the Bankruptcy Court, indicating that discovery was completed earlier.

705541-1. Dismissal for Want of Prosecution. ~~(BLR 705-1; DCLR 230-3).~~

(a) **Dismissal Authorized.** The Bankruptcy Court may, with or without notice to the parties, dismiss an adversary proceeding or contested matter for want of prosecution if:

_____ (1) A plaintiff or ~~attorney~~ movant willfully fails or refuses to make an adversary proceeding or contested matter ready or refuses to cause same to be made ready for placement on the trial calendar ~~or~~ ;

_____ (2) A plaintiff or ~~plaintiff's attorney~~ movant shall, after notice, fail or refuse to appear at the time and place fixed for pretrial or other hearing or trial or fail or refuse to obey a lawful order of the Bankruptcy Court ~~or~~ ;

_____ (3) An adversary proceeding or contested matter has been pending in the Bankruptcy Court for more than six months without any substantial proceedings of record having been taken, as shown by the record docket or other manner; or

(4) A complaint or motion scheduled for trial or hearing is removed from the court's calender at the request of the plaintiff or movant upon the representation that the matter has been resolved, and the plaintiff or movant does not submit a consent

order, file a dismissal of the complaint or motion, or otherwise file appropriate papers to effect the resolution of the matter within 30 days of the date the trial or hearing was scheduled.

(b) Adjudication on the Merits. In accordance with the provisions of Rule 41(b) of the Federal Rules of Civil Procedure, a dismissal for want of prosecution operates as an adjudication upon the merits of the action unless the Bankruptcy Court specifies otherwise in its order of dismissal.

7055-1. Dismissal for Want of Prosecution. See BLR 7041-1.

7056-1. Motions for Summary Judgment. ~~(BLR 705-2; DCLR 220-5).~~

~~—— (a) Generally. Motions for summary judgment shall be filed in accordance with the provisions of Rule 56 of the Federal Rules of Civil Procedure, except that no date for a hearing may be set until after the party opposing the motion has had 20 days from service of the motion in which to file a responsive pleading. But see, BLR 7007-1(c). In accordance with Rule 7007-1(b)(2), the parties shall not be permitted to file supplemental briefs and materials, with the exception of a reply by the movant, except upon order of the Bankruptcy Court. — (b) F o r m o f M o t i o n .~~

(a) Form of Motion.

_____ (1) The movant for summary judgment shall attach to the motion a separate and concise statement of the material facts, numbered separately, as to which the movant contends ~~there is~~ no genuine issue exists to be tried. ~~Each material fact shall be numbered separately.~~ Statements in the form of issues or legal conclusions (rather than material facts) will not be considered by the Bankruptcy Court. Affidavits and the introductory portions of briefs do not constitute a statement of material facts.

_____ (2) The respondent to a motion for summary judgment shall attach to the response a

separate and concise statement of material facts, numbered separately, as to which the respondent contends ~~there exists~~ a genuine issue exists to be tried. Response should be made to each of the movant's numbered material facts. All material facts contained in the moving party's statement ~~which~~that are not specifically controverted in respondent's statement shall be deemed admitted. The response that a party has insufficient knowledge to admit or deny is not an acceptable response unless the party has complied with the provisions of ~~Fed. R. Civ. P.~~ Rule 56(f) of the Federal Rules of Civil Procedure. -

_____ (3) All documents and other record materials relied upon by a party moving for or opposing a motion for summary judgment shall be clearly identified for the Bankruptcy Court. Where appropriate, dates and specific page numbers shall be given.

~~(e)~~ (b) **Time.** Motions for summary judgment shall be filed as soon as possible, but, unless otherwise ordered by the Bankruptcy Court, not later than 20 days after the close of discovery, as established by the expiration of the original or extended discovery period or by written notice of all counsel, filed with the Bankruptcy Court, indicating that discovery was completed earlier. ~~7067-1.~~

(c) A motion for summary judgment will be decided without a hearing unless the Bankruptcy Court directs otherwise.

7067-1. Registry Funds, Unclaimed Funds. (BLR 735-1), and Other Funds in the Custody of the Clerk. -

LR 67 is applicable ~~to~~in the ~~United States~~ Bankruptcy Court ~~for the Northern District of Georgia,~~ except that:

(a) The Bankruptcy Clerk may deposit unclaimed funds as set forth in LR 67-1(b)(2), after a reasonable period of time, as determined by the Bankruptcy Clerk; and

(b) Any order of disbursal of registry funds submitted pursuant to LR 67.1D(2), shall show a combined total for principal and interest.

~~9003-1.9001-1~~ **Definitions.**

~~— (a) The word "Court" refers~~

(a) The words "Bankruptcy Clerk" refer to the Bankruptcy Court Clerk and deputy bankruptcy clerks.

(b) The words "Bankruptcy Code" refer to Title 11 of the United States Code, as amended from time to time.

(c) The words "Bankruptcy Court" refer to the United States Bankruptcy Court for the Northern District of Georgia and not to any particular judge of the Bankruptcy Court.

(d) The words "Bankruptcy Judge" refer to any United States Bankruptcy Judge exercising jurisdiction with respect to cases or proceedings filed in the United States Bankruptcy Court. (e) The words "Bankruptcy Rules" refer to the Federal Rules of Bankruptcy Procedure, as amended from time to time.

(f) The words "District Clerk" refer to the District Court Clerk and deputy clerks.

(g) The words "District Court" refer to the United States District Court for the Northern District of Georgia and not to any particular judge or magistrate judge of the District Court.

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~~(h)– The words "District Judge" refers to any United States District Judge exercising jurisdiction with respect to a potential action or proceeding in this Court.~~

~~— (c) The words "Bankruptcy Court" refer to the unit of the U.S. District Court known as the United States Bankruptcy Court for the Northern District of Georgia.~~

~~—— (d) The words "Bankruptcy Judge" refer to any United States Bankruptcy Judge exercising jurisdiction by referral from the U.S. District Court with respect to actions~~cases ~~or proceedings filed in the United States~~District Court or the Bankruptcy Court.

~~(e) The word "Clerk" refers to the District Court Clerk and deputy clerks.~~

~~—— (f) The words "Bankruptcy Clerk" refer to~~i) The words "Electronic Case Filing Procedures" refer to the administrative procedures from time to time established by the Bankruptcy Court ~~Clerk and deputy bankruptcy clerks.~~

~~—— (g) with regard to the electronic case filing and docketing system used by the Bankruptcy Court as provided in BLR 5005-5(b).~~

~~—— (j) The words "Electronic Case Filing Program" refer to the program of the Bankruptcy Court that, in accordance with the provisions of the Electronic Case Filing Procedures, permits Registered Users to file certain papers in the Bankruptcy Court electronically through internet access and to pay required filing fees in connection therewith.~~

~~—— (k) The words "image format" refer to the format of a document that has been scanned to create a graphics file so that, when the document is electronically filed, a user electronically retrieving the document is able to view an image of the document.~~

~~—— (l) The words "Registered User" refer to a person who is registered to participate in the Bankruptcy Court's Electronic Case Filing program and has been issued a password.~~

~~—— (m) The words "text format" refer to the format of a document initially created using word processing software.~~

~~—— (n) The words "Verified Paper" refer to a pleading or other document that a person signs and thereby verifies, certifies, declares, affirms or swears under oath or penalty of perjury~~

concerning the truth of matters set forth in that pleading or document, except that “Verified Paper” does not include a Certificate of Service signed by an attorney admitted to practice in the Bankruptcy Court or a proof of claim. Verified Papers include, without limitation, petitions for relief under the Bankruptcy Code; lists of creditors, schedules of assets, schedules of liabilities, schedules of current income and expenditures, schedules of executory contracts and unexpired leases, statements of financial affairs, and statements of intention required to be filed under Bankruptcy Rule 1007(b); affidavits; verified applications, motions, complaints, answers, counterclaims, cross claims and replies; and any amendments to any of the foregoing.

(o) Whenever used in these ~~R~~Rules and the context so requires, the masculine gender shall be construed to include the feminine gender.

9003-1. Applications to Judges in Chambers. ~~(BLR 705-1; DCLR 215-1).~~

Whenever an attorney seeks an immediate order of the Bankruptcy Court, the attorney must submit a motion to the jBankruptcy Judge to whom the case has been assigned if the jBankruptcy Judge is present within the district. If the jBankruptcy Judge is not available or if the case has not yet been assigned to a particular jBankruptcy Judge, the attorney shall contact the Bankruptcy Clerk for instructions as to which jBankruptcy Judge the motion should be submitted. All courtesy copies of proposed orders must be clearly marked. ~~9003-2. Communications With Judges in Chambers.~~

~~(BLR 705-1; DCLR 215-2). (a) Proper Notice to Adversary. Whenever an attorney desires to confer with a judge of this Bankruptcy Court in chambers with regard to a pending case, the attorney shall first give proper notice to opposing counsel, disclosing the date, hour, and nature of the conference sought, and shall satisfy the Judge that such notice has been given. Emergency situations in which it is impossible to contact opposing counsel and those situations (other than motions to~~

~~proceed in forma pauperis) where ex parte motions or applications are contemplated by the Federal Rules of Civil Procedure are excepted from this rule. (b)~~

9003-2. Restrictions on Letter Communications to Bankruptcy Judges.

~~Communications to judges seeking a ruling or order, including~~ a Bankruptcy Judge regarding a request for an order or other relief (including a request for an extension of time) or matters that are or may be in dispute, or communications of facts or legal issues regarding a particular case, proceeding, or matter pending before that Bankruptcy Judge, shall be by written motion, pleading, or other paper, and not by letter. ~~A~~ Ordinarily, a letter seeking such action ~~ordinarily~~ will not be treated as a motion, will not be considered by the Bankruptcy Court, and will not be filed with the Bankruptcy Clerk. ~~C~~ Parties and their counsel shall not provide the

Bankruptcy Court with copies of correspondence among themselves relating to matters ~~in dispute.~~

~~**9003-3. Filing of Orders by Attorneys. (BLR 705-1; DCLR 215-3).** Whenever an attorney obtains an order of any nature from a Bankruptcy Judge in chambers, the attorney shall immediately deliver the order to the Bankruptcy Clerk for filing.~~ that are or may be in dispute.

9006-1. Extensions of Time. (BLR 715-3).

~~Adversary Proceedings or Contested Matters.~~ In adversary proceedings or contested matters wherein a response is required, the time within which a party is required to answer or otherwise respond may be extended once, by consent of all counsel and all the parties without the necessity of an order of the Bankruptcy Court, for a period not to exceed 30 days, provided that the stipulation is signed before the expiration of the period originally prescribed and promptly filed with the Bankruptcy Court and provided that the extension is permitted by law. All motions or requests for an extension of time must set forth the date of the original expiration and any other extensions of time

previously granted.

9007-1. Service of Specific Notices by the Bankruptcy Clerk. ~~(BLR 760-1).~~

The Bankruptcy Clerk shall serve the notices required under the following Bankruptcy Rules:

(a) All notices of dismissal ~~including notices required under Bankruptcy Rule 1017(b)(3)~~ of a case;

(b) Bankruptcy Rule 2002(a)(1): Notice of meeting of creditors pursuant to § 341 of the Bankruptcy Code, unless otherwise ordered by the Bankruptcy Court;

(c) Bankruptcy Rule 2002(a)(8): Notice of time for filing claims;

(d) Bankruptcy Rule 3004: Notice of filing of proof of claim by the debtor or trustee;

(e) Bankruptcy Rule 3020(c): Notice of confirmation;

(f) Bankruptcy Rule 4006: Notice of denial, revocation, or waiver of discharge;

(g) Bankruptcy Rule 8004: Notice of filing of notice of appeal;

(h) Bankruptcy Rule 9014 (c): Notice of entry of order regarding applicability of ~~r~~Rules of Part VII of Bankruptcy Rules;

(i) Bankruptcy Rule 9020 ~~(b)~~: Notice of hearing on contempt;

(j) Bankruptcy Rule 9022(a): Notice of entry of judgment or order.

9007-2. Service of Other Notices. ~~(BLR 760-2). — (a) Service of Other Notices. Except as provided in sub-paragraph (d) below.~~

(a) Unless the Bankruptcy Court orders otherwise, the party filing ~~any matter~~ a pleading or other paper that requires notice shall be responsible for, and is authorized and directed to provide, service of any notice required by the Bankruptcy Code or the Bankruptcy Rules, other than the notices specified in BLR 9007-1 ~~above.~~ except that the Bankruptcy Clerk shall serve notices if a Chapter

7 Trustee is required to serve a notice in a case in which no funds are available to pay the expense of such notice and the Chapter 7 Trustee requests that the Bankruptcy Clerk serve the

notices. The party responsible for such service shall obtain a mailing list from the Bankruptcy Clerk.

The moving party shall be responsible for payment of any charges unless exempt from Judicial Conference Fee Policies.

(b) **Certificate of Service.** Within three days of service, the party serving notices shall file a eCertificate of sService with the Bankruptcy Clerk. The eCertificate of sService shall be signed by the person who gave the notice, shall state the date and method of service, and shall set forth the names and addresses of entities served.

(c) **Expenses of Noticing.** The estate of any debtor is authorized to pay the expenses incurred in connection with the giving of any required notice hereunder, without the necessity of an order of the Bankruptcy Court. Any such payment shall be subject to review by the Bankruptcy Court and shall be disclosed in connection with any application for reimbursement of expenses.

~~(d) Service by Bankruptcy Clerk. Unless otherwise ordered by the Bankruptcy Court, the Bankruptcy Clerk shall serve notices under sub-paragraph (a) of this rule: —————(1) Whenever notice is required to be given by a Chapter 7 Trustee in cases in which no funds are available for such notice, and the Chapter 7 Trustee requests that the Bankruptcy Clerk serve the notice. —————(2) Upon order by the Bankruptcy Court, pursuant to the request of the party responsible for such service. — (e) Notices to Creditors Added by Amendment.~~ Whenever

~~the~~a debtor adds a creditor by amendment, the debtor must serve all creditors so added with all previously sent notices scheduling the meeting of creditors pursuant to § 341 of the Bankruptcy Code, and all notices and pleadings previously sent to all creditors whether such notices were served by the

debtor, the Bankruptcy Clerk, or any other party in interest.

9007-3. Entities Entitled to Notice; Requests for Notice; Changes of Address. ~~(BLR 760-3).~~

(a) **Chapter 7 cases.** In Chapter 7 cases, all notices required by Bankruptcy Rule 2002(a), except clause 4 thereof, which are mailed after the expiration of the time for the filing of proofs of claim pursuant to Bankruptcy Rule 3002(c) may, unless ~~otherwise ordered by~~ the Bankruptcy Court orders otherwise, be mailed only to: (1) creditors whose claims have been filed; (2) creditors, if any, who are still permitted to file claims by reason of an extension granted under Bankruptcy Rule 3002(c)(6); and (3) any entities which have requested notice.

(b) **Change of Address.** Any party in interest which desires that its address for notices be changed from the address shown on any proof of claim, request for notice, or other paper previously filed by such party must file such request with the Bankruptcy Clerk and serve a copy of same on the debtor's attorney, the United States Trustee, and the trustee. Changes of address must be filed in each adversary proceeding, and filing in the main case alone is not sufficient. A party shall not be entitled to notice at the new address in the absence of complete compliance with this ~~r~~Rule.

9010-~~1~~1. Admission to the Bar.

Any attorney who is admitted to the bar of the United States District Court for the Northern District of Georgia pursuant to LR 83.1A is admitted to the bar of the Bankruptcy Court.

9010-~~2~~2. Permission to Practice in a Particular Case.

A non-resident attorney who is not an active member in good standing of the State Bar of Georgia, but who is a member in good standing of the bar of any United States Court or of the highest

court of any State may apply in writing for permission to appear *pro hac vice*.

(a) Applications for admission *pro hac vice* with proposed orders may be obtained from the Bankruptcy Clerk. The applicant shall state under penalty of perjury the (i) applicant's ~~(1)~~ residence address, (2) the applicant's office address and telephone number, (3) the courts to which the applicant is admitted to practice and the date of admission, and (4) a statement that the applicant is in good standing and eligible to practice in all courts to which admitted. An attorney applying to appear *pro hac vice* must also designate a local member of the bar of ~~this~~ the Bankruptcy Court with whom the opposing counsel and the Bankruptcy Court may readily communicate regarding the conduct of the case and upon whom papers shall be served. The address, telephone number, and written consent of the designated local counsel must be filed with the attorney's *pro hac vice* application. Applications for admission *pro hac vice* shall be accompanied by the appropriate filing fee and a proposed order to be signed by the Bankruptcy Judge and shall be presented to the Bankruptcy Clerk. The nonresident attorney may be permitted to appear *pro hac vice* in the discretion of the Bankruptcy Court. —

(b) If the non-resident attorney fails to respond to any order of the Bankruptcy Court for appearance or otherwise, the designated local attorney shall have the responsibility and full authority to act for and on behalf of the client in all proceedings in connection with the case, including hearings, pretrial conferences, and trial.

9010-3. Standard of Professional Conduct and Discipline by the Court.

LR 83.1C and LR 83.1F are applicable to and govern all actions and proceedings in the Bankruptcy Court.

9010-4. Appearances. ~~(BLR 705-1; DCLR 110-4).~~ ~~(a) An~~

(a) The filing of a pleading or paper signed by an attorney in a case or adversary proceeding constitutes that attorney's appearance as attorney of record for ~~a~~the party ~~may be~~ evidenced by signature on a filed pleading or motion. ~~Any other attorney who signs~~ on whose behalf the pleading is filed. An attorney in a different firm who files a subsequent pleading, ~~motion,~~ or paper on behalf of ~~a~~that same party must also file a notice of appearance with the Bankruptcy Clerk.

~~—An attorney whose~~who fails to make a proper appearance ~~has not been previously noticed will not be permitted to represent~~ in a case or proceeding may, at the discretion of the Court, be barred from representing the party at trial or in any other ~~Bankruptcy Court proceeding until the attorney has filed a notice of appearance with the Bankruptcy Clerk. Failure to file a notice of appearance may result in the attorney's not receiving notices, orders, or other important communications from~~ proceeding. An attorney who files a petition initiating a case on behalf of a debtor, or who appears for a debtor in a case other than as special counsel for a debtor for limited purposes, shall represent the debtor in all matters in the case, including contested matters and adversary proceedings, unless the Bankruptcy Court permits the attorney to withdraw in accordance with BLR 9010-5.—

(b) **Pro Se Appearance Limitations.** ~~Whenever a~~ A party ~~has appeared~~ represented by an attorney, ~~the party~~ may not ~~thereafter~~ appear or act in the party's own behalf in the ~~action~~ case or proceeding or take any step therein unless the party has first given notice ~~of the party's intention~~ to the attorney of record and to the opposing party ~~and has obtained an order of substitution from the Bankruptcy Court.~~ Notwithstanding this rule, the Bankruptcy that the party intends to act pro se. Nonetheless, the Court may, in its discretion, hear a party in open court even though the party

has previously appeared, or is represented by an attorney.

(c) **Duty to Supplement.** Counsel and parties appearing *pro se* shall have, ~~in all cases,~~ an affirmative duty in all cases and proceedings to ~~notify~~ file with the Bankruptcy Clerk ~~by letter~~ a notice of any change in address or telephone number. ~~A failure to so notify the Bankruptcy Clerk, which causes a delay or otherwise adversely affects the management of any proceeding in the Bankruptcy Court shall constitute grounds for dismissal without prejudice or entry of a judgment by default.~~

9010-5. Withdrawal; ~~Leave of Absence~~; Responsibilities of Party ~~Upon Removal~~ No Longer Represented; Leave of ~~Attorney. (BLR 705-1, DCLR 110-5)~~ Absence.

(a) **Withdrawal Policy.** An attorney who has appeared in a case or adversary proceeding, other than for the limited purpose of receiving notices, must obtain permission from the Bankruptcy Court to withdraw as counsel, unless substitute counsel has made an appearance for that party. Counsel may make a fee arrangement limiting the services to be performed without the payment of additional fees, but the failure of the client, including a debtor, to comply with the fee arrangement is merely a ground to seek withdrawal and not a basis on which the attorney may refuse to render services. Counsel will not ordinarily be allowed to withdraw ~~after pretrial or at a time when~~ if withdrawal ~~will cause a~~ would delay ~~in~~ the progress of an adversary proceeding or ~~a~~ contested matter.

(b) ~~Motions to Withdraw. This policy notwithstanding, an attorney who wishes to withdraw in any action or proceeding or to have his or her name stricken as attorney of record for a party~~ Withdrawal Procedure. An attorney desiring to withdraw as counsel shall comply with the following procedure:

_____ (1) The attorney shall ~~submit to~~ give ten days' notice to the client of the attorney's intention to request permission to withdraw. Such notice shall be served on the client personally or by U.S. Mail at the client's last known address and shall contain at least the following:

_____ (A) That the attorney wishes to withdraw and intends to file a motion to withdraw;

_____ (B) The style of the case(s), adversary proceeding(s), and contested matter(s) in which counsel seeks to withdraw; for each, the name(s) address(es), and telephone number(s) of opposing counsel; and the address and telephone number of the Bankruptcy Clerk ~~in duplicate for filing a motion.~~

_____ (C) That the Bankruptcy Court retains jurisdiction of the matters;

_____ (D) That, if the attorney's withdrawal is permitted: (1) The client will have the obligation to promptly file with the Bankruptcy Court, and mail to all adverse parties or their counsel, a written statement showing (A) the names of the parties and the number of each case, adversary proceeding, or contested matter in which the client is a party and (B) the client's current telephone number and mailing address, and that the statement must be amended promptly if the client's telephone number or mailing address changes; (2) The client will have the obligation to respond to any discovery or motions, to take other actions as are appropriate or required, and to prepare for any trial or hearing that may be scheduled in any matter, or to hire other counsel to do so; (3) The failure or refusal of the client to meet these obligations may result in adverse consequences;

(4) Service of notices, pleadings, and other papers may be made upon the client at the client's last known address; and (5) If the client is a corporation, a corporation may only be represented in the Bankruptcy Court by an attorney, an attorney must sign all pleadings submitted to the court, a corporate officer may not represent the corporation in the Bankruptcy Court unless that officer is also an attorney, and failure to comply with this Rule could result in adverse consequences to the corporate party;

(E) The dates of any hearings or trials that have been scheduled and any applicable deadlines (such as deadlines for responding to discovery or motions or for filing pleadings, motions, or other papers), and that the holding of such hearings or trials and any deadlines will not be affected by the withdrawal of counsel; and

(F) Unless the withdrawal is with the client's consent, that the client has 10 days from the date of service of the notice to contact the attorney and state any objections to the attorney's withdrawal.

(2) The attorney shall file a motion with the Bankruptcy Clerk requesting permission to withdraw. ————~~(2)~~ The motion shall ~~state~~include the attorney's certification that the attorney has given the client ten days' prior written notice of the attorney's intention to request permission to withdraw in accordance with the provisions of BLR 9010-5b(1) by the method described in the motion and shall ~~specify the manner of such notice~~state, to the best of the attorney's knowledge, the last known address and telephone number for the client. A copy of the notice shall be ~~affixed~~attached to the

motion. ~~_____ (3) The attorney shall serve a copy of the motion to withdraw upon opposing counsel, upon the client, and upon the U.S. Trustee, after filing the motion with~~ motion shall be accompanied by a notice to the client that any objection to the motion must be filed within ten days after its service and the address of the Bankruptcy Clerk's office where the objection may be filed. —

~~_____ (43)~~ Ten days after ~~filing~~ service of the motion, the Bankruptcy Clerk shall submit the motion and any responses to the ~~j~~ Bankruptcy Judge for action thereon.

~~Counsel~~ (c) Certificate of Consent to Withdrawal. An attorney wishing to withdraw ~~from an action or proceeding~~ may be relieved from the requirement to file a motion to withdraw by filing a Certificate of Consent with the Bankruptcy ~~Court~~ Clerk that has been signed by the client, the withdrawing attorney, and the substituting attorney, if one has been selected by the client. ~~If any attorney representing the United States or any agency thereof wishes to withdraw, it is not necessary that the client's signature appear on~~ If the client has not retained substitute counsel, the Certificate of Consent, ~~provided the client's consent is acknowledged by both the withdrawing and substituting attorney.~~ ~~_____ (e) Leaves of Absence. All leaves of absence shall be subject to the approval of~~ shall include notice to the client of the matters set forth in subparagraph (b)(1) above.

(d) Responsibilities of a Party No Longer Represented. A party no longer represented by an attorney must promptly file with the Bankruptcy Clerk, and mail to all adverse parties or their counsel, a written statement showing (1) the caption and number of each case, adversary proceeding, or contested matter in which such party is involved and (2) such party's current telephone number and mailing address. That statement must be amended promptly if the party's telephone number or mailing address changes. An unrepresented party's mailing

address lodged with the Bankruptcy Clerk constitutes the address at which such party may be served with subsequent papers in that matter, and failure to comply with these responsibilities may result in adverse consequences to such party.

(e) Leave of Absence. An attorney may seek a leave of absence by requesting that the Bankruptcy Court. ~~Petitions for~~ not place on a calendar on specified dates any matter involving that attorney's client. A separate request must be made for each case or adversary proceeding in which the attorney has appeared. A request for a leave of absence for ~~periods greater than 20 days in length must be made by motion. Lead Counsel must file a petition, in each individual case and adversary proceeding where an absence is requested, designating the period of absence and the reason for the absence. A proposed order for the court shall also be attached. Absence of less than 21 days requires lead counsel to submit a letter to the judge's~~ fewer than 21 days shall be made by letter addressed to the Bankruptcy Judge's courtroom deputy ~~requesting that a case not be calendared during the period of absence. Only lead counsel, as specified on the preliminary statement and scheduling order, need petition the court for leave of absence. A.~~ The request is deemed granted when the letter is docketed. A request for a leave of absence ~~does not extend~~ for more than 21 days shall be made by application (accompanied by a proposed order and a Certificate of Service) stating the reason or reasons for the absence. The granting of a leave of absence neither extends previously set filing deadlines nor relieves counsel from ~~other deadline requirements imposed by the court.~~ ~~(d) Responsibilities of Party Upon Removal of Attorney. Whenever an attorney withdraws or dies or is removed or suspended or for any other reason ceases to act as attorney of record, the party whom the attorney was representing must within 20 days or before any further proceedings are had in the matter before~~ complying with other deadlines imposed by the

Bankruptcy Court ~~notify the Bankruptcy Clerk of the appointment of another attorney or of the party's decision to appear pro se. The party must also provide the Bankruptcy Clerk with the current telephone number and address of the newly-appointed attorney or of the party, if proceeding pro se. Failure to comply with this rule shall constitute a default by the party.~~ or by applicable law or Rules.

9013-1. Motions and Orders in Main Case. ~~(BLR 716-1).~~

Motions filed in the main case pursuant to Bankruptcy Rules 9013 and 9014 do not require briefs or memoranda of law. ~~P,~~ but parties may file ~~briefs or memoranda of law in those cases~~ such where they would materially assist the Bankruptcy Court in the determination of the issues. Such briefs or memoranda of law shall ~~be in conformity~~ conform with BLR 7007-1.

9013-2. ~~Oral Rulings on Motions. (BLR 705-2; DCLR 220-7).~~ ~~Unless the Bankruptcy Court directs otherwise, all orders,~~ Preparation of Proposed Orders.

(a) All proposed orders (including findings of fact and conclusions of law; or other rulings orally announced by the Bankruptcy Judge and orders submitted following the call of a matter at a scheduled hearing as to which there is no opposition) shall: (1) be prepared in writing and signed by the attorney for the prevailing party. ~~The original of the proposed order shall, unless the Bankruptcy Court directs otherwise;~~ (2) include the scheduled hearing date, if applicable; and (3) be submitted to the Bankruptcy Judge within seven days from the date of pronouncement or scheduled hearing, if applicable. ~~Copies~~ A copy shall be provided to each party. **9013-3. Required Contents of Proposed Orders** An attorney's signature as preparer of a proposed order constitutes a certification that the contents of the proposed order accurately reflect the Bankruptcy Judge's oral ruling or the proceedings at the call of the matter, as applicable.

(b) Identification of Counsel and Parties to be Served. ~~(BLR 715-4).~~

~~(a) Proposed Order. Any request for authority to act or for relief shall be accompanied by a proposed order. All orders prepared by the prevailing party at the Bankruptcy Court's direction as announced in court shall be submitted pursuant to BLR 9013-2, within seven days of the announcement. All such proposed orders must include the hearing date, if applicable.~~

~~(b) Counsel Identification. Whenever any~~Every ~~proposed order is submitted for entry by the Bankruptcy Court, including a consent order, shall be signed by each attorney or party preparing, submitting, or consenting to the proposed order and shall identify the~~provide an identification of each ~~attorney who prepared the order, and the name of the party represented by such attorney, and shall contain the attorney's signature, name, address, telephone number, and Georgia State Bar number, if the attorney is a member of the State Bar of Georgia.~~ (c) Identification of Parties to be

Served. ~~(1) For those notices and orders which are served by parties other than~~party in accordance with BLR 5005-1(e). If the Bankruptcy Clerk is to serve the order, the order shall be accompanied by a distribution list containing the names and addresses of the attorneys and parties to be served.

(c) If a Bankruptcy Judge authorizes an attorney to submit a proposed order to chambers by electronic means, Rule 5005-7 applies to such submission and to the required signatures on the electronically filed document.

9013-3. Service of Orders and Notices.

For orders and notices that the Bankruptcy ~~Clerk's office~~Clerk does not serve, the serving party shall file a Certificate of Service including a list of the complete names and addresses of the parties and attorneys served, the dates of service, and the manner of service.—

~~(2) If service of the order is to be made by~~

9013-4. Motions to Shorten Time For Notice and Hearing.

~~Upon written motion and for good cause shown,~~ the Bankruptcy ~~Clerk, the order shall~~
~~contain or be accompanied by a list of the names and addresses of the parties to be served~~ Court
may shorten the time for notice and hearing with regard to an emergency matter requiring
immediate attention or a matter requiring expedited consideration. The motion shall set forth
in detail the necessity for such expedited procedure and shall contain the word “Emergency”
or “Expedited” in the title of the motion. A party filing a pleading or motion that requires
immediate judicial attention shall advise the chambers staff of the Bankruptcy Judge to which
the matter is assigned of the filing of the pleading or motion.

9014-1. Proof of Service. ~~(BLR 720-1).~~

The person serving process in an adversary proceeding or serving a motion initiating a contested matter or notice with regard to which the Bankruptcy Rules require service on an opposing party ~~is required~~ shall make proof of service thereof promptly to the Bankruptcy Court in accordance with the Bankruptcy Rules. The Certificate ~~Of~~ Service must include the name and address of all ~~persons~~ parties and ~~parties served.~~ attorneys served, the dates of service, and the manner of service.

9014-2. When Response or Objection to Motion or Notice Is Required.

(a) In a case under Chapter 7 or 13, a response or objection to a motion or a notice with regard to proposed actions or requests for relief of the type set forth in (d) is required if the party filing the motion or notice provides notice that substantially complies with Local Form 9014-2 and that contains the following:

(1) an adequate description of the proposed action or relief requested and summary of the grounds for the proposed action or relief requested with regard to which an order is sought or, if the motion or notice is served on all parties entitled to notice, a description of the motion or notice;

(2) notice that this Rule requires the timely filing of a written response or objection to the proposed action or relief requested and service by mailing or delivering of a copy to the moving party or the moving party's attorney;

(3) the time within which the Bankruptcy Rules and this Rule require a response or objection to be filed and served and that the response or objection must be actually received by the Bankruptcy Clerk within the required time. If the Bankruptcy Rules do not specify the number of days' notice that must be given, the time for the filing of the required response or objection shall be 20 days from the date of service of the motion or notice. The notice may provide for a longer period of time for a response or objection to be filed and served than specified by the Bankruptcy Rules. In all matters, three days shall be added to the prescribed notice period to account for service of the notice by mail. The date by which a required response or objection must be filed shall be computed in accordance with the Bankruptcy Rules;

(4) the date on which the notice is served;

(5) the mailing address of the Bankruptcy Clerk for the division in which the case is pending where the response or objection must be filed;

(6) the name and mailing address of the moving party or attorney to whom the response or objection must be served;

(7) notice that, if no response or objection is timely filed and served as required,

the Bankruptcy Court may grant the relief requested or authorize the proposed action without further notice and without a hearing;

(8) notice that, if an objection or response is timely filed and served as required, a hearing will be held and that a party filing an objection or response must appear at the hearing to advocate the response or objection; and

(9) notice of the date, time, and place of the hearing, which shall be scheduled in accordance with procedures determined by the Bankruptcy Judge to whom the case is assigned.

(b) If this Rule requires a response or objection and if no response or objection is timely filed, the Bankruptcy Court may grant the relief requested or authorize the proposed action without further notice and without a hearing.

(c) The person serving the notice shall promptly file proof of service of notice pursuant to this Rule in accordance with the Bankruptcy Rules. The Certificate of Service must be signed by the person making service and must include the name and address of all parties and attorneys served, the dates of service, and the manner of service.

(d) This Rule applies to:

(1) Motions and notices with regard to the use, sale, or lease of property pursuant to Bankruptcy Rule 6004;

(2) Motions and notices with regard to the abandonment or disposition of property pursuant to Bankruptcy Rule 6007;

(3) Motions and notices with regard to proposed compromises or settlements pursuant to Bankruptcy Rule 9019;

(4) Motions to extend the time to object to the list of property a debtor

claims as exempt pursuant to Bankruptcy Rule 4002(b);

(5) Motions to extend the time to object to the discharge of a debtor pursuant to Bankruptcy Rule 4004(a) or to file a complaint objecting to the dischargeability of a debt under 11 U.S.C. § 523(c) pursuant to Bankruptcy Rule 4007(c);

(6) Motions to extend the time to file a motion to dismiss for substantial abuse under 11 U.S.C. § 707(b) pursuant to Bankruptcy Rule 1017(e);

(7) Motions by a chapter 13 debtor to suspend plan payments or to incur debt; and

(8) Modifications of a chapter 13 plan under 11 U.S.C. § 1329.

(e) Responses to motions to avoid liens or to redeem property are governed by BLR 6008-2. Responses to objections to proofs of claim are governed by BLR 3007-1.

(f) Upon request of any party in interest or on its own motion, the Bankruptcy Judge to whom a case or proceeding is assigned may order that this Rule apply in a case under Chapter 11 or 12 or to motions and notices not otherwise subject to this Rule, order that notice be given other than as provided in this Rule, order that a response not be required, or order that an answer, response, or objection be filed with regard to any application, motion, notice, or order not otherwise subject to this Rule.

9015-1. Jury Demands in Adversary Proceedings. ~~(BLR 718-1).~~

(a) **Demand.** Any party may demand a trial by jury of any issue triable of right by jury by:

- (1) serving upon the other parties a demand therefor in writing at any time after the commencement of the action and not later than ten days after the service of the last pleading directed to such issue,
- and (2) filing the demand as required by Bankruptcy Rule 7005, incorporating FED. R. CIV. P. 5(d).

Such demand must be made by separate pleading captioned "Jury Demand."

(b) ~~Same:~~ **Specification of Issues.** In the demand a party may specify the issues which the party wishes so tried; otherwise the party shall be deemed to have demanded trial by jury for all the issues so triable. If the party has demanded trial by jury for only some of the issues, any other party may, within ten days after service of the demand or such lesser time as the Bankruptcy Court may order, serve a demand for trial by jury of any other or all of the issues of fact in the action.

(c) **Waiver.** The failure of a party to serve and file a demand as required by this ~~+~~Rule constitutes a waiver by the party of trial by jury. A demand for trial by jury made as herein provided may not be withdrawn without consent of all the parties to the proceeding to be tried and leave of the District Court or Bankruptcy Court as appropriate.

(d) **Determination of Right.** If a jury demand is made, the Bankruptcy Judge shall determine whether the party has a right to trial by jury and if the demand is properly made.

(e) **Size of Jury.** All adversary proceedings in which a jury trial has been requested shall be tried before a jury of not less than six members, unless the parties stipulate otherwise.

9015-2. Consent Procedure for Trial by Jury in the Bankruptcy Court. ~~(BLR 718-2).~~

If a trial by jury is properly demanded pursuant to BLR 9015-1 above, the Bankruptcy Clerk shall notify plaintiff or plaintiffs and defendant or defendants of the right to expressly consent to a trial by jury in the Bankruptcy Court. The parties shall have 30 days after the date of said notice in which to execute and file a joint pleading consenting to the Bankruptcy Court presiding over the jury trial.

Federal Rules of Civil Procedure 47, 48, 49, 50 and 51 are applicable to trials in adversary proceedings upon consent before a Bankruptcy Judge or before a District Judge.

9015-3. Procedure When Parties Do Not Consent to Trial by Jury in the Bankruptcy Court.

~~———— (BLR 718-3).~~ (a) **Transfer to District Court.** If the parties do not consent to jury trial in Bankruptcy Court and if a timely demand has been made in a case triable by jury, the Bankruptcy Judge shall transfer the adversary proceeding to the District Court when the Bankruptcy Judge determines that the case is ready for trial. Prior to transferring the case, the Bankruptcy Judge shall ~~*Rule~~ on all discovery motions, other pretrial motions, and summary judgment motions, as provided by law, and shall enter the pretrial order ~~shall be entered by the Bankruptcy Judge.~~—

(b) **Remand Upon Withdrawal of Jury Demand.** When an adversary proceeding is transferred to the District Court pursuant to BLR 9015-3(a), and the parties then withdraw the jury demand, the adversary proceeding will be returned to the Bankruptcy Court for a bench trial, unless the District Judge orders otherwise. _

9017-1. Procedures Regarding Exhibits at Hearing or Trial.

(a) Marking, Listing, and Exchanging of Exhibits Prior to Hearing or Trial. A party expecting to offer exhibits into evidence at a hearing or trial shall (1) sequentially number the exhibits prior to the hearing or trial and mark each exhibit with such number and the name of the introducing party or other appropriate identification (e.g., plaintiff, defendant, movant, respondent, debtor, creditor, trustee, etc.); (2) provide a list of such exhibits that the party may use as part of its case in chief to opposing counsel, to any unrepresented party and to the Bankruptcy Court not later than the commencement of the hearing or trial if there are more than five exhibits; and (3) provide a copy of any exhibit for inspection and use by opposing counsel or unrepresented parties at the time it is first used at a hearing or trial. The provisions of this Rule do not supersede the requirements of a pretrial order, scheduling order, or any applicable Local Rule or Bankruptcy Rule that requires the production or listing of documents

at an earlier time.

(b) Custody of Exhibits Presented at Hearing or Trial. Unless otherwise ordered by the Bankruptcy Court, the Courtroom Deputy shall retain custody of exhibits offered into evidence at any hearing or trial until 30 days after the date on which the order, judgment, or recommendation, entered in the proceeding in which the exhibits were introduced, has become final and is not subject to further appeal, review, or consideration by the District Court, the Court of Appeals, or the Supreme Court. Within 30 days thereafter, the attorney for the introducing party or an unrepresented introducing party shall retrieve from the courtroom deputy all exhibits offered by such party that are in the custody of the courtroom deputy. Exhibits that are not timely removed in accordance with this Rule may be destroyed or otherwise disposed of by the Bankruptcy Clerk.

9023-1. Motions for Reconsideration. ~~(BLR 705-2; DCLR 220-6).~~

Motions for reconsideration shall not be filed as a matter of routine practice. Whenever a party or attorney for a party believes it is absolutely necessary to file a motion to reconsider an order or judgment, the motion shall be filed with the Bankruptcy Clerk within ten days after entry of the order or judgment. Responses shall be filed not later than ten days after service of the motion. Parties and attorneys for the parties shall not file motions to reconsider the Bankruptcy Court's denial of a prior motion for reconsideration.

9027-1. Motions Pending on Removal. ~~(BLR 705-2; DCLR 220-2).~~

When an action or proceeding is removed to this Bankruptcy Court with pending motions on which briefs have not been submitted, the moving party shall serve a memorandum in support of the motion within ten days after removal. Each party opposing the motion shall ~~reply~~respond in compliance with BLR 7007-1(~~b~~c).

9029-1 Forms.

The Bankruptcy Court may provide forms for motions, notices, orders, and other papers as appropriate that shall be available from the Bankruptcy Clerk's office or on the Bankruptcy Court's website.